

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

Lake Elmo City Council

Tuesday

July 6, 2004

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

Please read:

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

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

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance

1. Agenda

2. Minutes

June 15, 2004

3. PUBLIC INQUIRIES/INFORMATIONAL:

- A. PUBLIC INQUIRIES:
- B. Huff'n Puff Liquor License
- C. Vivian Perry, Washington County Library- Summer Reading Program

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

4. CONSENT AGENDA

- A. Resolution No. 2004-050: Approve claims
- B. Finance Specialist
- C. Final Payment to Tower Asphalt: Street Overlay Project: Resolution No. 2004-051
- D. Partial Payment to Schifsky: Hill Trail Reconstruction Project: Resolution No. 2004-052
- E. Liquidation of Equipment

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

5. FINANCE:

6. NEW BUSINESS

7. MAINTENANCE/PARK/FIRE/BUILDING:

- A. Update on Fire Dept. Activities: Chief Malmquist

<p>8. CITY ENGINEER'S REPORT: A.</p>	<p>Tom Prew</p>
<p>9. PLANNING, LAND USE & ZONING: A. Zoning Ordinance Amendment – Uses in Limited Business Zone (LB): Ordinances 97-134 and 97-135 B. Comprehensive Plan Amendment & Rezoning – Olinger: Resolution No. 2004-053 and Ordinance 97-136 C. Zoning Variance – 8061 Hill Trail North/Abrahamson: Resolution No. 2004-054 D. OP Concept Plan - Deer Glen (Lakewood Church): Resolution No. 2004-055 E. Front Yard Garage Waiver: William Deeb, 2333 Legion Avenue: Resolution No. 2004-056 F. Front Yard Garage Waiver: Link Lavey, 8510 Hidden Bay Trail, Lavey: Resolution No. 2004-057</p>	<p>C. Dillerud</p>
<p>10. CITY ATTORNEY'S REPORT:</p>	
<p>11. CITY ADMINISTRATOR'S REPORT: A.</p>	
<p>12. CITY COUNCIL REPORTS: A. Mayor Hunt – Champion of Industry B. Council Member DeLapp C. Council Member Dunn D. Council Member Johnston E. Council Member John</p>	

MINUTES APPROVED: June 15, 2004
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 Malmquist
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 50th 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, 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).

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 50th 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 50th 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 well 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

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 (4th 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.

<p>Lake Elmo City Council July 6, 2003</p>	<p>Agenda Section: PUBLIC INFORMATIONAL</p>	<p><u>No. 3B.</u></p>
<p><u>Agenda Item:</u> HUFF'N PUFF PROCLAMATION, Non-Intoxicating Liquor License: Lake Elmo Jaycees</p>		
<p><u>Background Information for July 6, 2004:</u> The Lake Elmo Jaycees are requesting the Council to proclaim August 12-15, 2004 as Huff'N Puff Days, approval of its On-Sale Non-Intoxicating Malt Liquor License for its annual Huff'N Puff festival, and to waive the fees for the liquor license and ballfield lights.</p>		
<p><u>Action Items:</u> to proclaim August 12-15, 2004 as Huff'N Puff Days, to approve an on-sale non-intoxicating malt liquor license for this annual festival contingent on approval of the Washington County Sheriff, and to waive the fees for the liquor license and for the ballfield lights.</p>	<p><u>Person responsible:</u> S.Lumby</p>	
<p><u>Attachments:</u> Liquor License Application, Insurance Certificate</p>		

RETAIL "ON SALE"

State of Minnesota, }
COUNTY OF Washington } City Lake Elmo OF Lake Elmo
To the City Council of the City Lake Elmo of Lake Elmo
Washington County State of Minnesota:

Lake Elmo Jaycees
hereby appl.ies for a license for the term of four (4) days
from the 12th - 15th day of August, ~~19~~2004, to sell

At Retail Only, Non-Intoxicating Malt Liquors,
as the same are defined by law, for consumption "ON" those certain premises in the
City Lake Elmo of Lake Elmo
described as follows, to-wit: Lions Park

at which place said applicant operate the business of Concession Stand for
Huff-n-Puff Days

and to that end represent and state as follows:

That said applicant is a citizen of the United States; of good moral character and repute; and has attained the age of 21 years; that proprietor of the establishment for which the license will be issued if this application is granted.

That no manufacturer of such non-intoxicating malt liquors has any ownership, in whole or in part, in said business of said applicant or any interest therein;

That said applicant make this application pursuant and subject to all the laws of the State of Minnesota and the ordinances and regulations of said City of Lake Elmo applicable thereto, which are hereby made a part hereof, and hereby agree to observe and obey the same;

State of Minnesota, } VERIFICATION
COUNTY OF } ss.
.....

....., being duly sworn, on oath say.....; that
the within named applicant.....; that he ha full knowledge of the business of said applicant.....,
of the location thereof, and of the contents of the within application; and that the statements made in
said application are true of own knowledge.

Subscribed and Sworn to Before Me
this..... day of

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)
05/20/2002

PRODUCER (952)890-9332 FAX (952)890-9319
 Associated Ins. Professionals
 12701 Chown Ave. S.
 Suite 109
 Burnsville, MN 55337

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED Minnesota Jaycees Inc Etal
 2101 West Highway 13
 Burnsville, MN 55337-3066

INSURER A: **K & K Insurance Group**
 INSURER B:
 INSURER C:
 INSURER D:
 INSURER E:

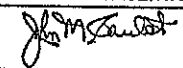
COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Participants Excl GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	T7-0003921927600	09/22/2001	09/22/2002	EACH OCCURRENCE	\$ 1,000,000
				FIRE DAMAGE (Any one fire)	\$ 300,000
				MED EXP (Any one person)	\$ 5,000
				PERSONAL & ADV INJURY	\$ 1,000,000
				GENERAL AGGREGATE	\$ Unlimited
				PRODUCTS - COMP/OP AGG	\$ 5,000,000
AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
				BODILY INJURY (Per person)	\$
				BODILY INJURY (Per accident)	\$
				PROPERTY DAMAGE (Per accident)	\$
GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
				OTHER THAN EA ACC	\$
				AUTO ONLY: AGG	\$
EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE RETENTION \$				EACH OCCURRENCE	\$
				AGGREGATE	\$
					\$
					\$
					\$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTHER
				E.L. EACH ACCIDENT	\$
				E.L. DISEASE - EA EMPLOYEE	\$
				E.L. DISEASE - POLICY LIMIT	\$
OTHER Liquor Liability	T7-0003921927600	09/22/2001	09/22/2002	Each Common Cause \$1,000,000 Aggregate \$2,000,000	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 provides Evidence of Insurance for the Lake Elmo Jaycees as respects the Huff-N-Puff Event to be held August 8-11, 2002

Lake Elmo Jaycees, 3286 Lampert Avenue North, Lake Elmo, MN 55042

CERTIFICATE HOLDER	ADDITIONAL INSURED; INSURER LETTER:	CANCELLATION
City of Lake Elmo 3800 Laverne Avenue North Lake Elmo, MN 55042		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL <u>10</u> DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.
		AUTHORIZED REPRESENTATIVE John ~Paulet/LUANN 



Communities & Libraries In Partnership
make EVERY child a reader!

Dear Children's Advocate:

The Minnesota Summer Library Program and [your public library] invite you and the children you serve to participate in a fun new summer reading experience. The *Communities & Libraries in Partnership: Make Every Child a Reader* project will provide materials and support needed to help you keep the children you work with developing their literacy skills during the summer months.

This innovative partnership expands on the traditional summer reading program – with the same great goals of 1) reducing reading loss over summer vacation and 2) promoting reading aloud to pre-readers – by providing a flexible summer reading program outside of library facilities.

For more information please read the attached flyer or contact Vivian Perry, Youth Services, at 651-275-8522.

Thank you,

Vivian Perry
Associate Library Manager
Youth Services
Washington County Library



Communities & Libraries In Partnership
make EVERY child a reader!

Who: Individuals or organizations serving children in their communities are eligible to participate in CLIP. This includes childcare providers, summer school teachers, ECFE programs, school-age childcare programs and any number of other possibilities.

What: CLIP is a literacy program designed to bring the public library's summer reading program to children who may not be able to participate at a public library facility. The goal of the program is to have children read or be read to for 20 minutes a day, five days a week. If you would like to participate, but don't meet with the children in your care five days a week we can make the program work with your needs. Here's what your local library will provide to you:

- Library cards and materials
- A copy of the 2004 summer program resource guide for use in the library
- A copy of Jim Trelease's Read Aloud Handbook (5th ed) available for checkout
- Reading records, reading incentives, reading certificates and other materials for the children who participate
- Lots of support!

When: CLIP activities will span six weeks from June 14th through July 23rd. This timeline can be adjusted to meet the needs of your program and the children you work with. Talk it over with your local public library.

Where: Wherever you work with children.

Why: All children need to have access to books during summer months to reduce summer reading loss by school-age children and to promote the literacy skills preschoolers need when they reach kindergarten.

How:

- Complete a Notification of Community Partner Interest Form available through your local library and a brief pre-program survey
- Pick up program materials at your local public library before the program begins and at the halfway point during the 6 weeks
- Provide structured reading time for the children in your care (read-aloud or silent reading time)
- Stamp reading records for daily reading and distribute weekly reading incentives
- Complete reading certificates for the children
- Visit your local library upon completion of the program to complete a program evaluation and receive a t-shirt!

That's all there is to it! To participate in this opportunity, or for more information, please contact:

Vivian Perry at 651-275-8522 or 651-436-5882

4A.

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

**RESOLUTION NO. 2004-050
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers DD183 through DD191, 25783 through 25797, were used for Staff, payroll dated June 24, 2004, Claim Numbers 25798 through 25855 dated July 06, 2004 in the total amount of \$184,489.96 are hereby approved.

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

Lee Hunt
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: Administrator
Printed: 07/01/2004 - 3:30 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACEHARD 02059199	Ace Hardware Supplies Check Total:	15.61 15.61	07/06/2004	Check Sequence: 1 101-430-3100-42400	ACH Enabled: No
Vendor: ALLIED 4092	Allied Electrical Contractors Elect. Wiring-Compressor & Washer-Fire Check Total:	1,700.00 1,700.00	07/06/2004	Check Sequence: 2 410-480-8000-45800	ACH Enabled: No
Vendor: AMDAHL 977	ChrisAndahl Repairs Door Entrance Lock-Public Works Check Total:	616.00 616.00	07/06/2004	Check Sequence: 3 101-430-3100-44010	ACH Enabled: No
Vendor: AMPLAN 060704-123247	American Planning Association Annual Membership Dues Check Total:	595.00 595.00	07/06/2004	Check Sequence: 4 101-410-1910-44330	ACH Enabled: No
Vendor: ARAM 629-5491801	Aramark Linen-City Hall Check Total:	43.18 43.18	07/06/2004	Check Sequence: 5 101-410-1940-44010	ACH Enabled: No
Vendor: ATTWI 023-2750230	AT&T Wireless Floater Phone-Fie Dept Check Total:	20.43 20.43	07/06/2004	Check Sequence: 6 101-420-2220-43210	ACH Enabled: No
Vendor: AVAYA 2718682067	AVAYA Inc. Monthly Telephone Maint. Check Total:	150.36 150.36	07/06/2004	Check Sequence: 7 101-410-1940-44040	ACH Enabled: No

Invoice No Description Amount Payment Date Acct Number Reference

Vendor: BIFRS
 W223020 Restrooms-Sunfish Park 70.26 07/06/2004 Check Sequence: 8 ACH Enabled: No
 W223021 Restrooms-Lions Park 140.52 07/06/2004 101-450-5200-44120
 W223022 Restrooms-VFW Park 70.26 07/06/2004 101-450-5200-44120
 W223023 Restrooms-DeMontreville Park 70.26 07/06/2004 101-450-5200-44120
 W223024 Restrooms-Reid Park 70.26 07/06/2004 101-450-5200-44120
 W223025 Restrooms-Tablyn Park 70.26 07/06/2004 101-450-5200-44120
 W223026 Restrooms-Pebble Park 70.26 07/06/2004 101-450-5200-44120
 Check Total: 562.08

Vendor: CRYSTEEL
 F18857 Crystal Truck Equipment 189.36 07/06/2004 Check Sequence: 9 ACH Enabled: No
 Repairs - Fire Vehicle 189.36
 Check Total: 189.36

Vendor: EARLANDE
 0060291-IN Earl F. Andersen, Inc. 13,751.28 07/06/2004 Check Sequence: 10 ACH Enabled: No
 Playground Set-Carriage Station 13,751.28
 Check Total: 13,751.28

Vendor: Electric
 1864 ELECTRIC SYSTEMS OF ANOKA, INC 23,615.00 07/06/2004 Check Sequence: 11 ACH Enabled: No
 1864-1 Installation of Ball Field Lights 436.13 07/06/2004 404-480-8000-45300
 Installation of Ball Field Lights 24,051.13
 Check Total: 24,051.13

Vendor: Foreman
 04055 Foreman FireService & Repair 786.52 07/06/2004 Check Sequence: 12 ACH Enabled: No
 Misc. Repairs on six Fire Vehicles 786.52
 Check Total: 786.52

Vendor: FOUR
 23-036657 Four Seasons Service 43.08 07/06/2004 Check Sequence: 13 ACH Enabled: No
 23-036771 Supplies-City Hall 28.76 07/06/2004 101-410-1940-44300
 Supplies-City Hall 71.84
 Check Total: 71.84

Vendor: FXL
 FXL, Inc. 1,700.00 07/06/2004 Check Sequence: 14 ACH Enabled: No
 Assessing Services-July 1,700.00
 Check Total: 1,700.00

Vendor: HACH
 3885811 HACH Company 202.56 07/06/2004 Check Sequence: 15 ACH Enabled: No
 Water Maintenance-Supplies 601-494-9400-42270

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	202.56			
Vendor:HAWKINS 623424	Hawkins Chemical Flouride-Water Check Total:	439.31 439.31	07/06/2004	Check Sequence: 16 601-494-9400-42160	ACH Enabled: No
Vendor:JH Larso 1345376-01	J.H. Larson Company Part-Lift Station Check Total:	58.56 58.56	07/06/2004	Check Sequence: 17 602-495-9450-42270	ACH Enabled: No
Vendor:Johnson	Johnson Construction Storage Rental July - Fire Dept. Check Total:	90.00 90.00	07/06/2004	Check Sequence: 18 101-420-2220-44120	ACH Enabled: No
Vendor:LINDVENN 283908-0840	Lindquist & Vennum Legal Service Comp. Plan Appeal Check Total:	19,301.75 19,301.75	07/06/2004	Check Sequence: 19 101-410-1940-43020	ACH Enabled: No
Vendor:MENARDSO 33753	Menards - Oakdale Lock-Fire Dept. Check Total:	6.38 6.38	07/06/2004	Check Sequence: 20 101-420-2220-42230	ACH Enabled: No
Vendor:MESABI H62330	H&L Mesabi Hard Surface Blades-Public Works Check Total:	484.58 484.58	07/06/2004	Check Sequence: 21 101-430-3100-42210	ACH Enabled: No
Vendor:METROCA 01610453	Metrocall Pagets-Fire Dept. Check Total:	83.21 83.21	07/06/2004	Check Sequence: 22 101-420-2220-43210	ACH Enabled: No
Vendor:MILLEREX 9592 9592	Miller Excavating, Inc. Gravel Roads Graded Class #5 Gravel Check Total:	1,099.00 234.43 1,333.43	07/06/2004 07/06/2004	Check Sequence: 23 101-430-3100-43150 101-430-3100-42240	ACH Enabled: No
Vendor:MINNOCHEM 287327	MINNESOTA CHEMICAL CO. Labor to install Gear Washer	468.60	07/06/2004	Check Sequence: 24 410-480-8000-45800	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	468.60			
Vendor: MUSCO 114204	Musco Sports Lighting, LLC Partial Payment-Ball Field Lights Check Total:	60,000.00 60,000.00	07/06/2004	Check Sequence: 25 404-480-8000-45300	ACH Enabled: No
Vendor: Nad Wat 1438060	National Waterworks Tools-Water Dept Check Total:	160.43 160.43	07/06/2004	Check Sequence: 26 601-494-9400-42400	ACH Enabled: No
Vendor: NEXTEL 761950227-015 761950227-015 761950227-015 761950227-015	Nextel Communications Cell Phones-Bldg Dept Cell Phones-Public Works Dept Cell Phones-Parks Works Dept Cell Phones-Admin Check Total:	87.11 77.14 50.08 41.20 255.53	07/06/2004 07/06/2004 07/06/2004 07/06/2004	Check Sequence: 27 101-420-2400-43210 101-430-3100-43210 101-450-5200-43210 101-410-1940-43210	ACH Enabled: No
Vendor: OAKDALE 1000039700 1000046000	City of Oakdale Water-North Connection Water South Connection Check Total:	1,415.00 6,139.31 7,554.31	07/06/2004 07/06/2004	Check Sequence: 28 601-494-9400-43820 601-494-9400-43820	ACH Enabled: No
Vendor: OAKDRC 31508	Oakdale Rental Center Playground Set-up Carriage Station Check Total:	412.16 412.16	07/06/2004	Check Sequence: 29 404-480-8000-45300	ACH Enabled: No
Vendor: ONECALL 4050497	Gopher State One-Call/One Call Concepts, Inc Line Locates-May Check Total:	170.20 170.20	07/06/2004	Check Sequence: 30 101-430-3100-44300	ACH Enabled: No
Vendor: PELNAR	KathiePelnar Animal Control Services-June Check Total:	873.32 873.32	07/06/2004	Check Sequence: 31 101-420-2700-43150	ACH Enabled: No
Vendor: PETERSON 11135M 11140M 11145M 11150M	Peterson Fram & Bergman Check Total:	2,029.36 3,528.77 33.66 111.61	07/06/2004 07/06/2004 07/06/2004 07/06/2004	Check Sequence: 32 101-410-1610-43040 101-410-1610-43045 803-490-9070-43045 803-490-9070-43045	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
11161M	Check Total:	99.00	07/06/2004	101-410-1610-43045	
		5,802.40			
Vendor:PITNEY 2817997-JN04	Pinney Bowes Orthy Postage Machine Rental Check Total:	693.00	07/06/2004	101-410-1940-44010	ACH Enabled: No
Vendor:PTPURCH 50937724206	Purchase Power Postage Check Total:	37.22	07/06/2004	101-410-1320-43220	ACH Enabled: No
Vendor:PRESS	StevenPress Cable Operator Check Total:	85.00	07/06/2004	101-410-1320-44300	ACH Enabled: No
Vendor:QWEST 6517142209456	Qwest Hudson Lift Station Alarm Line Check Total:	36.02	07/06/2004	602-495-9450-43210	ACH Enabled: No
Vendor:ROGERS	Rogers Printing Services Business Cards Business Cards Business Cards City Letterhead & Envelopes Check Total:	56.23	07/06/2004	101-410-1320-42030	ACH Enabled: No
		28.12	07/06/2004	101-410-1520-42030	
		28.11	07/06/2004	101-430-3100-42000	
		132.06	07/06/2004	101-410-1320-42030	
		244.52			
Vendor:RUD	DianePrince-Rud Cleaning Services-City Hall Cleaning Services-Fire Hall Check Total:	360.00	07/06/2004	101-410-1940-44010	ACH Enabled: No
		360.00	07/06/2004	101-420-2220-44010	
		720.00			
Vendor:S&T 011C0580 011C6905 011C9015 011C9018	S&T Office Products, Inc. Office Supplies Office Supplies Admin. & Planning Office Supplies Admin. & Planning Office Supplies Admin. & Planning Check Total:	168.44	07/06/2004	101-410-1320-42000	ACH Enabled: No
		13.58	07/06/2004	101-410-1320-42000	
		221.31	07/06/2004	101-410-1320-42000	
		27.16	07/06/2004	101-410-1320-42000	
		430.49			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: SATELLITE 24180610	Satellite Shelters, Inc. Mobile Office Rental Check Total:	319.50 319.50	07/06/2004	Check Sequence: 40 101-420-2400-44120	ACH Enabled: No
Vendor: SCHILL Claim	CliffordSchill Examination Fees Pepin-Schill Fire Dept Check Total:	100.00 100.00	07/06/2004	Check Sequence: 41 101-420-2220-44370	ACH Enabled: No
Vendor: SCHWAAB R33792	Schwaab, Inc. Imprint Stamps Check Total:	129.51 129.51	07/06/2004	Check Sequence: 42 101-410-1320-42000	ACH Enabled: No
Vendor: Selectiv Refund	Selective Site Consultants Refund on Overpayment - Wireless Permit Check Total:	50.00 50.00	07/06/2004	Check Sequence: 43 803-490-9070-44300	ACH Enabled: No
Vendor: STEICHEN 209336	STEICHEN'S RETAIL Baseball Field Equipment-Parks Check Total:	89.97 89.97	07/06/2004	Check Sequence: 44 101-450-5200-44030	ACH Enabled: No
Vendor: STILLFOR 264382	Stillwater Ford Vehicle Repairs & Maint. Fire Dept Check Total:	625.01 625.01	07/06/2004	Check Sequence: 45 101-420-2220-44040	ACH Enabled: No
Vendor: STILLGAZ	Stillwater Gazette Legal Notice Legal Notice-Old Village Leal Publish Notice - Council Committees Leal Publish Notice- Ordinance Leal Publish Notice - Zoning Leal Publish Notice -Artema Leal Publish Notice -Fence Leal Publish Notice - Rezone Leal Publish Notice- Zoning District Map Legal Notice Advertise-Finance Advertise-Public Works Check Total:	35.70 84.00 60.90 37.80 29.40 42.00 27.30 27.30 37.80 122.70 81.80 614.00	07/06/2004 07/06/2004 07/06/2004 07/06/2004 07/06/2004 07/06/2004 07/06/2004 07/06/2004 07/06/2004 07/06/2004 07/06/2004	Check Sequence: 46 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1520-44300 101-430-3100-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: TASCCH 33057 33170	T.A. Schifsky & Sons Sand Sand Check Total:	38.74 76.32 115.06	07/06/2004 07/06/2004	Check Sequence: 47 101-450-5200-42230 101-450-5200-42230	ACH Enabled: No
Vendor: TKDA 067859	TKDA, Inc. Leak Location 5072 Marquess Check Total:	210.95 210.95	07/06/2004	Check Sequence: 48 602-495-9450-43030	ACH Enabled: No
Vendor: TWINCIT 375	Twin City Water Clinic, Inc. Bacteria Analysis June 2004 Check Total:	20.00 20.00	07/06/2004	Check Sequence: 49 601-494-9400-43030	ACH Enabled: No
Vendor: VFBA	Volunteer Firefighter Benefit Association Annual Membership Dues-Fire Dept. Check Total:	204.00 204.00	07/06/2004	Check Sequence: 50 101-420-2220-44330	ACH Enabled: No
Vendor: WASHLIC	Washington County License Chr Vehicle Registration-Bldg dept. Check Total:	1,010.20 1,010.20	07/06/2004	Check Sequence: 51 410-480-8000-45500	ACH Enabled: No
Vendor: WEARGUA 54114836-2 54114836-3	Wear Guard Uniforms-Bldg Dept. Uniforms-Bldg Dept. Check Total:	25.89 25.89 51.78	07/06/2004 07/06/2004	Check Sequence: 52 101-420-2400-44170 101-420-2400-44170	ACH Enabled: No
Vendor: WEBBER 379	WebberRecreational Design Inc Materials Playground-Carriage Station Check Total:	1,629.45 1,629.45	07/06/2004	Check Sequence: 53 101-450-5200-42250	ACH Enabled: No
Vendor: White Be 1019595	White Bear Rental and Sales Lift Rental Check Total:	137.40 137.40	07/06/2004	Check Sequence: 54 101-450-5200-44030	ACH Enabled: No
Vendor: WILDWOOD 10307	WILDWOOD LODGE Strategic Planning Meeting Check Total:	476.88 476.88	07/06/2004	Check Sequence: 55 101-410-1110-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: XCEL 0073736544169 1684846045176	Xcel Energy	22.72	07/06/2004	Check Sequence: 56 101-430-3160-43810	ACH Enabled: No
	Check Total:	12.14	07/06/2004	602-495-9450-43810	
		34.86			
Vendor: YOCUM 109968	Yocum Oil Company, Inc. Oil-Public Works	65.17	07/06/2004	Check Sequence: 57 101-430-3100-42150	ACH Enabled: No
	Check Total:	65.17			
Vendor: ZACK 25244 25298	Zack's, Inc. Shop Supplies Paint-Public Works	255.72	07/06/2004	Check Sequence: 58 101-430-3100-42150	ACH Enabled: No
	Check Total:	38.21	07/06/2004	101-430-3100-42230	
		293.93			
	Total for Check Run:	150,373.44			
	Total Number of Checks:	58			

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

ACCOUNT NO:

Page: 1
05/31/2004
11135M

	FEEES	EXPENSES	ADVANCES	BALANCE
11135-000008 Comp. Plan Update 2000-2020	44.00	0.00	0.00	\$44.00
11135-030008 SIMICH FENCE	286.00	3.75	0.00	\$289.75
11135-030009 CONROY SEWER	22.00	0.00	0.00	\$22.00
11135-040001 PURCHASE OF BROOKFIELD BUILDING	33.00	0.00	0.00	\$33.00
11135-040005 CARRIAGE STATION DRAINAGE EASEMENT ENCROACHMENT	66.00	0.00	0.00	\$66.00
11135-920001 Administration	1,573.00	1.61	0.00	\$1,574.61
	<u>2,024.00</u>	<u>5.36</u>	<u>0.00</u>	<u>\$2,029.36</u>

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CITY OF LAKE ELMO
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Page: 1
05/31/2004
ACCOUNT NO: 11135-000008M
STATEMENT NO: 21

Comp. Plan Update 2000-2020

	HOURS	
05/10/04 JPF Review city reply brief.	0.40	44.00
Jerome P. Filla	0.40	44.00
FOR CURRENT SERVICES RENDERED	0.40	44.00
TOTAL CURRENT WORK		44.00
BALANCE DUE		<u>\$44.00</u>

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CITY OF LAKE ELMO
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Page: 1
05/31/2004
ACCOUNT NO: 11135-030008M
STATEMENT NO: 5

SIMICH FENCE

	HOURS	
05/03/04 JPF Telephone conference with C. Smich; rev est; corr to planner.	0.40	44.00
05/05/04 JPF Telephone conference with T. Simich; draft agreement.	0.50	55.00
05/07/04 JPF Draft settlement agreement.	0.60	66.00
05/11/04 JPF Letter to Simich re: settlement agreement.	0.40	44.00
05/12/04 JPF Telephone conference with Simich re: terms of agreement.	0.30	33.00
05/18/04 JPF Telephone conference with Simich re: status; revise agreement.	0.40	44.00
Jerome P. Filla	2.60	286.00
FOR CURRENT SERVICES RENDERED	2.60	286.00
Photocopies		0.50
Fax Charge - Local		3.00
TOTAL EXPENSES THRU 05/31/04		3.50
SALES TAX ON EXPENSES		0.25
TOTAL CURRENT WORK		289.75
BALANCE DUE		\$289.75

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CITY OF LAKE ELMO
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Page: 1
05/31/2004
ACCOUNT NO: 11135-030009M
STATEMENT NO: 7

CONROY SEWER

	HOURS	
05/05/04 JPF Telephone conference with Atty Pecchia re: status on site system.	0.20	22.00
Jerome P. Filla	0.20	22.00
FOR CURRENT SERVICES RENDERED	0.20	22.00
TOTAL CURRENT WORK		22.00
BALANCE DUE		<u>\$22.00</u>

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Page: 1
05/31/2004
ACCOUNT NO: 11135-040001M
STATEMENT NO: 5

PURCHASE OF BROOKFIELD BUILDING

	HOURS	
05/07/04 JPF Telephone conference with clerk re: status and appraisal.	0.30	33.00
Jerome P. Filla	0.30	33.00
FOR CURRENT SERVICES RENDERED	0.30	33.00
TOTAL CURRENT WORK		33.00
BALANCE DUE		<u>\$33.00</u>

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Page: 1
05/31/2004
ACCOUNT NO: 11135-040005M
STATEMENT NO: 1

CARRIAGE STATION DRAINAGE EASEMENT ENCROACHMENT

	HOURS	
05/14/04 JPF Telephone conference with Adm, Planner re: carriage station drainage esmt remedies; rev documents.	0.60	66.00
Jerome P. Filla	0.60	66.00
FOR CURRENT SERVICES RENDERED	0.60	66.00
TOTAL CURRENT WORK		66.00
BALANCE DUE		<u>\$66.00</u>

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CITY OF LAKE ELMO
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Page: 1
05/31/2004
ACCOUNT NO: 11135-920001M
STATEMENT NO: 149

Administration

	HOURS	
05/03/04 JPF Review council agenda; T. Clerk.	0.70	77.00
05/04/04 JPF Prepare for council meeting.	2.50	275.00
05/07/04 JPF Telephone conference with clerk re: gambling regs; rev code and statutes; tele adm re: status carriage station drainage; re: status fence reg revisions and moratorium re: conroy sewer request; revise corr re: fence moratorium.	1.10	121.00
JPF Review PC agenda; tele planner.	0.50	55.00
05/10/04 JPF Review CIC agenda.	0.20	22.00
05/17/04 JPF Review council agenda; tele adm.	0.60	66.00
05/18/04 JPF Review CIC corr re: dog fencing - leash regs. JPF Telephone conference with Atty Pecchia; eng re: status, feasibility of alternate system.	0.30	33.00
JPF Prepare for and attend council meeting.	2.60	286.00
05/24/04 JPF Review PC agenda.	0.40	44.00
05/25/04 JPF Telephone conference with Adm re: organizational chart; committee, commissions; statutory positions; planner re: OCC structure regs; clerk re: fence moratorium; revise same.	0.80	88.00
05/27/04 JPF Conference with McNamara re: Botziak, Anderson, Sweno, Gustafson and Hanson ppty; research re: diversion of surface water by raising level of land.	2.70	297.00
05/28/04 JPF Telephone conference with clerk re: org chart resolution; council committee resol; Old Village moratorium resolution; draft docs.	1.20	132.00

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CITY OF LAKE ELMO

Administration

Page: 2

05/31/2004

ACCOUNT NO: 11135-920001M

STATEMENT NO: 149

	HOURS	
05/31/04 JPF Review council agenda.	0.40	44.00
Jerome P. Filla	14.30	1,573.00
FOR CURRENT SERVICES RENDERED	14.30	1,573.00
Fax Charge - Local		1.50
TOTAL EXPENSES THRU 05/31/04		1.50
SALES TAX ON EXPENSES		0.11
TOTAL CURRENT WORK		1,574.61
BALANCE DUE		<u>\$1,574.61</u>

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CITY OF LAKE ELMO
3800 Laverne Avenue North
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Page: 1
05/31/2004
ACCOUNT NO: 11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	2,370.00	42.16	0.00	\$2,412.16
11140-030170 Kuehn, James	60.00	0.00	0.00	\$60.00
11140-030225 Wetterstrom, William serious/fatal crash report	30.00	0.00	0.00	\$30.00
11140-030243 Burch, Kenneth Milton test refusal, 3rd degree DUI	225.00	0.00	0.00	\$225.00
11140-040011 Miller, Mitchell Hit and run-property damage careless driving	15.00	0.00	0.00	\$15.00
11140-040015 Garibay, Marcella DAR	5.00	0.00	0.00	\$5.00
11140-040029 Lindberg, David John speed 84/65	135.00	0.00	0.00	\$135.00
11140-040080 Graham, Daniel Joseph revoked plates, open bottle, no insurance	5.00	0.00	0.00	\$5.00

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CITY OF LAKE ELMO

Page: 2
05/31/2004
ACCOUNT NO: 11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040081 Berg, Roberta Joseph GM-school bus arm violation	5.00	0.00	0.00	\$5.00
11140-040083 Belluzzo, Jennifer Lynn 2nd degree DUI	52.50	0.00	0.00	\$52.50
11140-040086 Johnson, Dustin James no proof of insurance, no insurance	5.00	0.00	0.00	\$5.00
11140-040091 Gray, Angela inattentive driving	5.00	0.00	0.00	\$5.00
11140-040097 Olson, Delores Hattie forged check	55.00	0.00	0.00	\$55.00
11140-040099 Bubb, Jason Earl DAS	5.00	0.00	0.00	\$5.00
11140-040100 Dickman, Amber M. no insurance	5.00	0.00	0.00	\$5.00
11140-040104 Rodriguez, Ramon James Violation of Protection Order	67.50	0.00	0.00	\$67.50
11140-040105 Rychlik, Waclaw Andrew 2nd degree DUI	112.50	1.61	0.00	\$114.11
11140-040111 Barrett, Steven Dale Marshall GM-false info to police	67.50	0.00	0.00	\$67.50

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CITY OF LAKE ELMO

Page: 3
05/31/2004
ACCOUNT NO: 11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040112 Paul, Jonathan Michael DAR, expired registration	5.00	0.00	0.00	\$5.00
11140-040113 Jarosch, Katherine Lillian OFP Violation	32.50	0.00	0.00	\$32.50
11140-040114 Jones, Robert Charles 4th degree DUI, possession of drug paraphenilia	37.50	0.00	0.00	\$37.50
11140-040115 Feia, Suzanne Christine 2nd degree DUI	60.00	0.00	0.00	\$60.00
11140-040118 Weinand, Mark Allen school bus arm violation	62.50	0.00	0.00	\$62.50
11140-040124 Erion, Michael Lee GM-DAC-IPS, possess dangerous weapon	62.50	0.00	0.00	\$62.50
	<u>3,485.00</u>	<u>43.77</u>	<u>0.00</u>	<u>\$3,528.77</u>

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CITY OF LAKE ELMO
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Page: 1
05/31/2004
ACCOUNT NO: 11145M

	FEEES	EXPENSES	ADVANCES	BALANCE
11145-000003 Hill Trail North Street Improvement	22.00	0.00	0.00	\$22.00
11145-040001 2004 OVERLAY PROJECT	0.00	11.66	0.00	\$11.66
	<u>22.00</u>	<u>11.66</u>	<u>0.00</u>	<u>\$33.66</u>

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CITY OF LAKE ELMO
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Page: 1
05/31/2004
ACCOUNT NO: 11145-000003M
STATEMENT NO: 7

Hill Trail North Street Improvement

	HOURS	
05/04/04 JPF Telephone conference with Prew re: Gustafson/Hanson fill.	0.20	22.00
Jerome P. Filla	0.20	22.00
FOR CURRENT SERVICES RENDERED	0.20	22.00
TOTAL CURRENT WORK		22.00
BALANCE DUE		<u>\$22.00</u>

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Page: 1
05/31/2004
ACCOUNT NO: 11145-040001M
STATEMENT NO: 1

2004 OVERLAY PROJECT

Photocopies	10.90
TOTAL EXPENSES THRU 05/31/04	10.90
SALES TAX ON EXPENSES	0.76
TOTAL CURRENT WORK	11.66
BALANCE DUE	<u>\$11.66</u>

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Page: 1
05/31/2004
ACCOUNT NO: 11150M

	FEEs	EXPENSES	ADVANCES	BALANCE
11150-000003 RECO Property Permits	44.00	1.61	0.00	\$45.61
11150-040004 WHISTLING VALLEY SECOND ADDITION	0.00	0.00	0.00	\$0.00
11150-040005 LAKEWOOD EVANGELICAL FREE CHURCH - REZONING - SUP	66.00	0.00	0.00	\$66.00
	<u>110.00</u>	<u>1.61</u>	<u>0.00</u>	<u>\$111.61</u>

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PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.
PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

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

PETERSON,
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

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

Page: 1
05/31/2004
ACCOUNT NO: 11150-000003M
STATEMENT NO: 20

RECO Property Permits

	HOURS	
05/28/04 JPF Review planner memo, file; tele clerk re: status of plat.	0.40	44.00
Jerome P. Filla	0.40	44.00
FOR CURRENT SERVICES RENDERED	0.40	44.00
Fax Charge - Local		1.50
TOTAL EXPENSES THRU 05/31/04		1.50
SALES TAX ON EXPENSES		0.11
TOTAL CURRENT WORK		45.61
BALANCE DUE		\$45.61

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

Page: 1
05/31/2004
ACCOUNT NO: 11150-040004M
STATEMENT NO: 4

WHISTLING VALLEY SECOND ADDITION

Fax Charge - Local

BALANCE DUE

\$0.00

**THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.
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CITY OF LAKE ELMO
3800 Laverne Avenue North
Lake Elmo MN 55042

Page: 1
05/31/2004
ACCOUNT NO: 11150-040005M
STATEMENT NO: 1

LAKEWOOD EVANGELICAL FREE CHURCH - REZONING - SUP

	HOURS	
05/18/04 JPF Review concept plans; code; tele planner.	0.60	66.00
Jerome P. Filla	0.60	66.00
FOR CURRENT SERVICES RENDERED	0.60	66.00
TOTAL CURRENT WORK		66.00
BALANCE DUE		<u>\$66.00</u>

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

Page: 1
05/31/2004
ACCOUNT NO: 11161M

	FEEES	EXPENSES	ADVANCES	BALANCE
11161-040002 Rychlik, Waclaw Andrew vehicle forfeiture	99.00	0.00	0.00	\$99.00
	<u>99.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$99.00</u>

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

Page: 1
05/31/2004
ACCOUNT NO: 11161-040002M
STATEMENT NO: 2

Rychlik, Waclaw Andrew
vehicle forfeiture

05/03/04 JPF Review repts for forfeiture basis.	HOURS	
	0.30	33.00
05/05/04 JPF Telephone conference with deft atty re: forfeiture of car.		
	0.20	22.00
05/26/04 JPF Review demand for judicial review; tele deft atty. Jerome P. Filla		
	0.40	44.00
	0.90	99.00
FOR CURRENT SERVICES RENDERED		
	0.90	99.00
TOTAL CURRENT WORK		99.00
BALANCE DUE		\$99.00

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PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

<p>Lake Elmo City Council July 6, 2004</p>	<p>Agenda Section: Consent Agenda</p>	<p><u>No. 4.B</u></p>
<p><u>Agenda Item: Consent Item: Hire Finance Specialist</u></p>		
<p><u>Background Information for July 6, 2004:</u></p> <p>The process of recruiting, reviewing, interviewing and selecting the Finance Specialist has concluded. Fifteen applicants applied for the position, ten were identified for the first interview and three were recalled for a second interview. The City Administrator and Finance Director have selected the most qualified person for the position.</p> <p>The applications were reviewed and rated by the Administrator and Finance Director. The selected applicants were presented with the same interview questions involving payables, receivables, payroll, utility billing, fund accounting and management, financial management and technology. The first interview was conducted by the Finance Director and City Clerk. The second interview and selection process was completed by the Administrator and Finance Director using a similar process.</p> <p>The individual selected, _____, has accepted the position for the compensation as budgeted and as planned for in the 2004 budget.</p>		
<p><u>Action Items:</u></p> <p>Approve hiring of selected candidate.</p>	<p><u>Person responsible:</u></p> <p>Martin Rafferty City Administrator</p>	
<p><u>Attachments:</u></p>		

<p>Lake Elmo City Council July 16, 2004</p>	<p>Agenda Section: CONSENT AGENDA</p>	<p><u>No. 4C.</u></p>
<p><u>Agenda Item:</u> 2004 Overlay Project:Final Payment to Tower Asphalt</p>		
<p><u>Background Information for July 6, 2004:</u> The City Engineer reported the 2004 Overlay Project is \$6,300.00 over the bid price due to more patching that was estimated and for additional catch basin reconstruction work. He recommends approval of Compensating Change Order Number 1 in the amount of \$6,279.55 and approval of Final Payment to Tower Asphalt in the amount of \$69,079.55.</p>		
<p><u>Action Item:</u> Adopt Resolution No. 2004-051, A Resolution Approving Change Order No. 1 in the amount of \$6,300.00 and Final Payment of \$69,079.55 to Tower Asphalt for the 2004 Overlay Project, as recommended by the City Engineer in his memo dated July 1, 2004.</p>	<p><u>Person responsible:</u> T.Prew</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. July 1, 2004 memo from Tom Prew 2. Resolution No. 2004-051 		

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

RESOLUTION NO. 2004-051

**A RESOLUTION APPROVING CHANGE ORDER NO. 1
and
FINAL PAYMENT TO TOWER ASPHALT
FOR THE 2004 OVERLAY PROJECT**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves
Compensating Change Order No. 1 in the amount of \$6,279.55.

BE IT FURTHER RESOLVED that the Lake Elmo City Council approves the
final payment to TOWER ASPHALT in the amount of \$69,079.55 for work completed
on the 2004 Overlay Project, verified by the City Engineer in his memo dated July 1,
2004.

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

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty,
City Administrator

TKDA
ENGINEERS • ARCHITECTS • PLANNERS

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

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

July 1, 2004

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: 2004 Overlay Project
City of Lake Elmo, Minnesota
TKDA Commission No. I2996-03

Dear Sir or Madam:

The contractor has completed this project.

The project is \$6,300.00 over the bid price due to there being more patching than was estimated last fall, and for additional catch basin reconstruction work.

City Council Action Requested

Approve Compensating Change Order Number 1 in the amount of \$6,279.55.

Approve final payment in the amount of \$69,079.55.

Sincerely,



Thomas D. Prew, P.E.
Project Manager

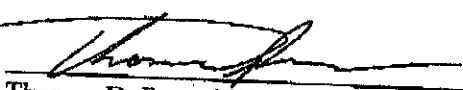
TDP:tlb

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444 Cedar Street
Saint Paul, MN 55101-2140

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Comm. No. 12996-02 Cert. No. 1 (final) St. Paul, MN, June 23, 2004
 To City of Lake Elmo, Minnesota Owner
 This Certifies that Tower Asphalt, Inc. Contractor
 For 2004 Overlays
 Is entitled to Sixty-Nine Thousand Seventy-Nine Dollars and 55/100 (\$ 69,079.55)
 being 1st estimate for partial payment on contract with you dated April 20, 2004
 Received payment in full of above Certificate. **TKDA**
Tower Asphalt, Inc., 20

 Thomas D. Prew, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 62,800.00		
All previous payments		\$ -	
All previous credits			
Extra No.			
Compensating Change Order No. 1	\$ 6,279.55		
" "			
" "			
Credit No.			
" "			\$ -
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 69,079.55	
Totals	\$ 69,079.55	\$ 69,079.55	\$ -
Credit Balance			
There will remain unpaid on contract after payment of this Certificate		\$ -	
	\$ 69,079.55	\$ 69,079.55	\$ -

TKDA
Engineers-Architects-Planners Saint Paul, Minnesota 55101

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

FINAL

Estimate No. 1 Period Ending June 23, 20 04 Page 1 of 1 Comm. No. 12966-02
Contractor Tower Asphalt, Inc. Original Contract Amount \$62,800.00
Project 2004 Overlays
Location City of Lake Elmo, Minnesota

Total Contract Work Completed		
Total Approved Credits	\$	<u>69,079.55</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>
Approved Extra Orders Amount Completed	\$	<u>0.00</u>
Total Amount Earned This Estimate	\$	<u>69,079.55</u>

Less Approved Credits	\$	<u>0.00</u>
Less <u>0</u> % Retained	\$	<u>0.00</u>
Less Previous Payments	\$	<u>0.00</u>
Total Deductions	\$	<u>0.00</u>
Amount Due This Estimate	\$	<u>69,079.55</u>

Contractor _____

Date _____

Engineer 

Thomas D. Prew, P.E.

Date June 23, 2004

ESTIMATE NO. 1

PERIOD ENDING: June 23, 2004

2004 OVERLAYS
 CITY OF LAKE ELMO, MINNESOTA
 TKDA COMMISSION NO. 12996-02

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
SANITARY SEWER						
1	MOBILIZATION	LS	1	1.0	\$ 3,000.00	\$ 3,000.00
2	REPAIR CATCH BASIN/REPLACE CASTING	EA	7	9.0	\$ 1,250.00	\$ 12,250.00
3	4" THICK BITUMINOUS PATCH MIXTURE LVNW35030B	SY	50	252.0	\$ 25.00	\$ 6,300.00
4	BITUMINOUS WEARING/LEVELING COURSE MIXTURE LVWE45030B	TN	1,600	1,523.4	\$ 30.75	\$ 46,844.55
5	BITUMINOUS MATERIAL FOR TACK COAT	GAL	600	685.0	\$ 1.00	\$ 685.00

TOTAL ESTIMATE NO. 1

\$ 69,079.55

CHANGE ORDER

TKDA
Engineers-Architects-Planners

Saint Paul, MN June 23 20 04 Comm. No. 12996-02 Compensating Change Order No. 1

To Tower Asphalt, Inc.

for 2004 Overlays

for City of Lake Elmo, Minnesota

You are hereby directed to make the following change to your contract dated April 20, 2004. The change and the work affected thereby is subject to all contract stipulations and covenants. This Change Order will (increase) (decrease) (not change) the contract sum by Six Thousand Two Hundred Seventy-Nine Dollars and 55/100 (\$ 6,279.55).

COMPENSATING CHANGE ORDER

This change order shows the actual quantities installed at the unit price bid amounts (see attached itemization):

NET CHANGE = \$ 6,279.55

Amount of Original Contract		\$ 62,800.00
Additions approved to date (Nos.))	\$ -
Deductions approved to date (Nos.))	\$ -
Contract amount to date		\$ 62,800.00
Amount of this Change Order (Add) (Deduct) (No Change)		\$ 6,279.55
Revised Contract Amount		\$ 69,079.55

Approved City of Lake Elmo, Minnesota Owner

TKDA

By _____ By Thomas D. Prew, P.E.

Approved Tower Asphalt, Inc. Contractor

White - Owner
Pink - Contractor
Blue - TKDA

By _____

COMPENSATING CHANGE ORDER NO. 1

PERIOD ENDING: June 23, 2004

2004 OVERLAYS
CITY OF LAKE ELMO, MINNESOTA
TKDA COMMISSION NO. 12996-02

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	+/- DIFFERENCE	UNIT PRICE	AMOUNT TO DATE	NET CHANGE	CONTRACT AMOUNT
SANITARY SEWER									
1	MOBILIZATION	LS	1	1.0	-	\$ 3,000.00	\$ 3,000.00	\$ -	\$ 3,000.00
2	REPAIR CATCH BASIN/REPLACE CASTING	EA	7	9.8	2.8	\$ 1,250.00	\$ 12,250.00	\$ 3,500.00	\$ 8,750.00
3	4" THICK BITUMINOUS PATCH MIXTURE LVNW36030B	SY	50	252.0	202.0	\$ 25.00	\$ 6,300.00	\$ 5,050.00	\$ 1,250.00
4	BITUMINOUS WEARING/LEVELING COURSE MIXTURE LYWE45030B	TN	1,600	1,523.4	(76.6)	\$ 30.75	\$ 46,844.65	\$ (2,355.45)	\$ 49,200.00
5	BITUMINOUS MATERIAL FOR TACK COAT	GAL	600	685.0	85.0	\$ 1.00	\$ 685.00	\$ 85.00	\$ 600.00
TOTAL COMPENSATING CHANGE ORDER NO. 1							\$ 69,079.55	\$ 6,279.55	\$ 62,800.00

<p>Lake Elmo City Council July 16, 2004</p>	<p>Agenda Section: CONSENT AGENDA</p>	<p><u>No. 4D.</u></p>
<p><u>Agenda Item:</u> Hill Trail North and 50th Street N. Street Reconstruction: Partial Payment to T.A. Schifsky</p>		
<p><u>Background Information for July 6, 2004:</u> The City Engineer reported T.A. Schifsky and Sons has completed the wear course paving and turf establishment. The engineer met with the contractor on the punch list items remaining.</p> <p>Tom Prew recommends approval of Partial Payment No. 3 to T.A. Schifsky and Sons in the amount of \$62,278.41 in his July 1, 2004 memo.</p>		
<p><u>Action Item:</u> Adopt Resolution No. 2004-052, A Resolution Approving Partial Payment No. 3 in the amount of \$62,278.41 to T.A. Schifsky and Sons for the Hill Trail North and 50th Street N. Street Reconstruction, as recommended by the City Engineer in his memo dated July 1, 2004.</p>	<p><u>Person responsible:</u> T.Prew</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. July 1, 2004 memo from Tom Prew 2. Resolution No. 2004-052 		

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

RESOLUTION NO. 2004-052

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 3
TO T.A. SCHIFSKY AND SONS
FOR THE HILL TRAIL NORTH AND 50TH STREET N.
RECONSTRUCTION PROJECT**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 3 in the amount of \$62,278.41.

BE IT FURTHER RESOLVED that the Lake Elmo City Council approves the partial payment to T.A. SCHIFSKY AND SONS in the amount of \$62,278.41 for work completed on the Hill Trail North and 50th Street N. Reconstruction Project, verified by the City Engineer in his memo dated July 1, 2004.

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

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty,
City Administrator

TKDA
ENGINEERS - ARCHITECTS - PLANNERS

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

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

July 1, 2004

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Hill Trail North and 50th Street North
Street Reconstruction
City of Lake Elmo, Minnesota
TKDA Commission No. 12170-03

Dear Sir or Madam:

The contractor has completed wear course paving and turf establishment. There are only a few punch list items remaining to complete this project. I have met with the contractor on these items and they will be completing them shortly.

City Council Action Requested

Approve Partial Payment No. 3 in the amount of \$62,278.41.

Sincerely,



Thomas D. Prew, P.E.
Project Manager

TDP:tlb

TKDA

ENGINEERS - ARCHITECTS - PLANNERS

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

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

Comm. No. 12170-02 Cert. No. 3 St. Paul, MN, December 23, 2003

To City of Lake Elmo, Minnesota Owner

This Certifies that T.A. Schifsky & Sons, Inc., Contractor

For Hill Trail North and 50th Street North Street Reconstruction

Is entitled to Sixty-Two Thousand Two Hundred Seventy-Eight Dollars and 41/100 ----- (\$62,278.41)

being 3rd estimate for partial payment on contract with you dated August 8, 2003

Received payment in full of above Certificate.

TKDA

T.A. Schifsky & Sons, Inc.
 _____, 20 Thomas D. Prew, P.E.

RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 401,646.35		
All previous payments		\$ 272,709.75	
All previous credits			
Extra No.			
Change Order No. 1	\$ 10,464.87		
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
AMOUNT OF THIS CERTIFICATE		\$ 62,278.41	
Totals	\$ 412,111.22	\$ 334,988.16	\$ -
Credit Balance			
There will remain unpaid on contract after payment of this Certificate		\$ 77,123.06	
	\$ 412,111.22	\$ 412,111.22	\$ -

TKDA
Engineers-Architects-Planners Saint Paul, Minnesota 55101

PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS

Estimate No. 3 Period Ending December 15, 20 03 Page 1 of 1 Comm. No. 12170-02
Contractor T. A. Schifsky & Sons Original Contract Amount \$401,646.35
Project Hill Trail North and 50th Street North Street Reconstruction
Location City of Lake Elmo, Minnesota

Total Contract Work Completed \$ 342,154.25
Total Approved Credits \$ 0.00
Total Approved Extra Work Completed (Change Order No. 1) \$ 10,464.87
Approved Extra Orders Amount Completed \$ 10,464.87
Total Amount Earned This Estimate \$ 352,619.12

Less Approved Credits \$ 0.00
Less 5 % Retained \$ 17,630.96
Less Previous Payments \$ 272,709.75
Total Deductions \$ 290,340.71
Amount Due This Estimate \$ 62,278.41

Contractor T.A. Schifsky & Sons, Inc.

Date _____

Engineer Thomas D. Frew, P.E.

Date December 23, 2003

ESTIMATE NO. 3

PERIOD ENDING: December 15, 2003

HILL TRAIL NORTH AND 50TH STREET RECONSTRUCTION
 CITY OF LAKE ELMO, MINNESOTA
 COMMISSION NO. 12170-02

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
HILL TRAIL NORTH AND 50TH STREET RECONSTRUCTION						
1	MOBILIZATION	LS	1.0	1.0	\$ 19,000.00	\$ 19,000.00
2	CLEARING	TR	25.0	25.0	\$ 100.00	\$ 2,500.00
3	GRUBBING	TR	25.0	25.0	\$ 100.00	\$ 2,500.00
4	REMOVE SEWER PIPE (STORM)	LF	250.0	357.0	\$ 12.00	\$ 4,284.00
5	REMOVE CONCRETE DRIVEWAY	SY	60.0	83.88	\$ 3.10	\$ 259.41
6	REMOVE BIT SURFACE	SY	13,700.0	13525.48	\$ 1.00	\$ 13,625.48
7	REMOVE BURIED DEBRIS	CY	150.0	-	\$ 26.25	\$ -
8	REMOVE CATCH BASIN	EA	3.0	5.0	\$ 375.00	\$ 1,875.00
9	SALVAGE PLATE BEAM GUARD RAIL	LF	100.0	-	\$ 4.75	\$ -
10	SAW CUT BITUMINOUS PAVEMENT	LF	750.0	780.0	\$ 3.00	\$ 2,340.00
11	SAW CUT CONCRETE PAVEMENT	LF	80.0	96.0	\$ 4.00	\$ 384.00
12	COMMON EXCAVATION (P)	CY	5,583.0	5,563.0	\$ 6.30	\$ 35,048.90
13	COMMON EXCAVATION FOR POND	CY	400.0	400.0	\$ 6.30	\$ 2,520.00
14	SUBGRADE EXCAVATION	CY	2,000.0	366.1	\$ 6.30	\$ 2,306.43
15	TOPSOIL BORROW (LV)	CY	200.0	-	\$ 14.20	\$ -
16	COMMON LABORERS	HR	20.0	-	\$ 65.00	\$ -
17	WATER FOR DUST CONTROL	MGAL	40.0	10.50	\$ 25.00	\$ 262.50
18	AGGREGATE BASE CLASS 6	TN	11,000.0	10,501.41	\$ 9.00	\$ 94,512.89
19	SAWED/SEALED JOINT	LF	1,775.0	-	\$ 1.55	\$ -
20	4" THICK BITUMINOUS PATCH	SY	50.0	-	\$ 19.50	\$ -
21	TYPE LV AGG. 4 WEARING COURSE	TN	1,370.0	15.78	\$ 36.00	\$ 568.08
22	TYPE LV AGG. 3 NON-WEARING COURSE	TN	1,830.0	1,438.45	\$ 35.50	\$ 51,064.98
23	TYPE LV AGG. 4 WEARING COURSE 2" THICK FOR DRIVEWAY	SY	485.0	1,283.0	\$ 15.00	\$ 19,245.00
24	BITUMINOUS MATERIAL FOR TACK COAT	GAL	700.0	5.0	\$ 1.25	\$ 6.25
25	12 CMP CULVERT INCL. END APRON	LF	36.0	30.0	\$ 28.25	\$ 767.50
26	12" RC PIPE SEWER CLASS V DESIGN 3006	LF	298.0	370.0	\$ 42.00	\$ 15,540.00
27	15" RC PIPE SEWER CLASS V DESIGN 3006	LF	135.0	603.0	\$ 33.60	\$ 20,260.80
28	18" RC PIPE SEWER CLASS V DESIGN 3006	LF	32.0	71.0	\$ 52.50	\$ 3,727.50
29	12" RC PIPE APRON	EA	7.0	11.0	\$ 625.00	\$ 5,775.00
30	18" RC PIPE APRON	EA	3.0	4.0	\$ 658.00	\$ 2,624.00
31	CONSTRUCT CATCH BASIN DESIGN 4021D	EA	8.0	12.0	\$ 1,680.00	\$ 20,160.00
32	CONSTRUCT SURFACE DRAIN 24"	EA	1.0	1.0	\$ 787.50	\$ 787.50
33	CONSTRUCT STORM SEWER MH DESIGN 48"	EA	3.0	1.0	\$ 1,575.00	\$ 1,575.00
34	D412 CONCRETE CURB AND GUTTER	LF	300.0	280.0	\$ 12.60	\$ 3,150.00
35	6" BITUMINOUS CURB	LF	150.0	83.0	\$ 8.00	\$ 664.00
36	INSTALL SALVAGED STEELPLATE BEAM GUARD RAIL- INCLUDING NEW POSTS AS NECESSARY	LF	100.0	87.2	\$ 17.80	\$ 1,552.16
37	INSTALL TWISTED END TREATMENT	EA	2.0	2.0	\$ 1,417.50	\$ 2,835.00
38	6" CONCRETE DRIVEWAY PAVEMENT	SY	103.0	90.18	\$ 50.40	\$ 4,548.07
39	FLAG PERSON	HR	40.0	89.0	\$ 65.00	\$ 4,485.00
40	4" DOUBLE SOLID LINE YELLOW-PAINT	LF	2,000.0	-	\$ 0.75	\$ -
41	INLET PROTECTION AT CB	EA	10.0	11.0	\$ 135.00	\$ 1,485.00
42	SEEDING COMPLETE WITH TYPE 26B SEED MIXTURE	SY	800.0	-	\$ 0.90	\$ -
43	WOOD FIBER BLANKET TYPE II	SY	800.0	-	\$ 1.80	\$ -
44	SODDING TYPE 1	SY	2,000.0	-	\$ 2.80	\$ -
SUBTOTAL ESTIMATE NO. 2						\$ 342,154.25
CHANGE ORDER NO. 1						
1	FURNISH AND INSTALL RIP RAP	CY		12.0	\$ 38.33	\$ 459.96
2	FURNISH, INSTALL, AND MAINTAIN SILT FENCE	LF		750.0	\$ 1.96	\$ 1,470.00
3	FURNISH AND INSTALL 6" PVC CULVERT	LF		32.0	\$ 28.63	\$ 922.16
4	FURNISH AND INSTALL DIAMOND BLOCK RETAINING WALL	LS		1.0	\$ 1,207.90	\$ 1,207.90
5	ADDITIONAL COST ABOVE UNIT PRICES TO INSTALL STORM SEWER WORK ALONG 50TH STREET	LS		1.0	\$ 6,474.85	\$ 6,474.85
TOTAL CHANGE ORDER NO. 1						\$ 10,464.87
TOTAL ESTIMATE NO. 3						\$ 352,619.12

<p>Lake Elmo City Council 07-06-2004</p>	<p>Agenda Section: Consent Agenda</p>	<p><u>No .4E</u></p>
<p><u>Agenda Item: Liquidation of Equipment</u></p>		
<p><u>Background Information for July 06, 2004:</u></p> <p>On February 03, 2004 the City Council, directed staff to contract street sweeping services for the Spring of 2004 and retain the Street Sweeper pending review of the program. I have been advised by the Public Works Director that the Street Sweeping went as anticipated and recommends the sale of the Elgin Street Sweeper.</p> <p>The Fire Department has recently put the new Grass Rig in service. Due to the limited interior storage space, the Fire Chief has determined it would deteriorate with continued outside storage and recommends selling the 1985 Dodge Grass Rig.</p> <p>The new Building Official vehicle has been put in service and the existing vehicle has been passed along to the Building Inspector. The 1995 Ford Crown Victoria is now surplus and should be sold.</p> <p>The staff recommends the above equipment/vehicles be advertised for sale through the Seal Bid process with a minimum price.</p>		
<p><u>Action Items:</u></p>	<p><u>Person responsible:</u> Tom Bouthilet</p>	
<p><u>Attachments:</u></p>		

Lake Elmo City Council July 6, 2004	Agenda Section: Planning, Land Use & Zoning	No. 9A
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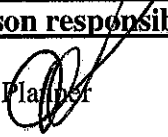
Agenda Item: Zoning Ordinance Amendment – Uses in Limited Business Zone (LB)

Background Information for July 6, 2004:

A prospective Lake Elmo business has inquired regarding the ability to locate a Beauty Salon/Day Spa in the Limited Business zoning district. Staff has advised the business owner that neither proposed use is defined by the City Code nor listed as either Permitted or Conditional in the LB zone, but that staff could request the Planning Commission and City Council to determine whether the uses could be added to that zoning district as allowable under certain circumstances.

On June 28, 2004 the Planning Commission conducted a Noticed Public Hearing to consider including “Beauty Salons” as an LB Conditional Use; and to allow Day Spas as an Accessory Use (only) to Beauty Salons. While not a Zoning Ordinance amendment (but rather a City Code amendment to Section 150, “Definitions”), the Commission also considered definitions of “Beauty Salon” and Day Spa”.

Following the Public Hearing the Commission unanimously acted to recommend approval of the staff prepared drafts of amendments to the LB zoning district list of Allowable Uses to include Beauty Salons as a Conditional Use and Day Spas as an Accessory Use only to Beauty Salons. The Commission also unanimously recommended adding the definitions of “Beauty Salon” and “Day Spa” to Section 150 of the City Code as a companion action. The Commission made some minor wording modifications to the staff proposed definitions – which have been incorporated in the attached draft ordinances.

<p><u>Action items:</u></p> <p>1. Motion to adopt Ordinance #97 - ¹³⁴, adding “Beauty Salon” as an allowed Conditional Use in the Limited Business Zone; and adding “Day Spa” as an allowed Accessory Use in the Limited Business Zone, as recommended by the Planning Commission.</p> <p>2. Motion to adopt Ordinance #97 - ¹³⁵, amending Section 150 of the City Code (“Definitions”) to include a definition for “Beauty Salon” and a definition for “Day Spa”, as recommended by the Planning Commission.</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>
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<p><u>Attachments:</u> ¹³⁴</p> <ol style="list-style-type: none"> 1. Draft Ordinance #97 - ¹³⁵ Adding Uses to the LB Zone 2. Draft Ordinance #97 - ¹³⁵, Amending Section 150 of the Code 3. Draft Planning Commission Minutes of June 28, 2004 4. Planning Staff Memo 	<p><u>Time Allocated:</u></p>
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CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-134

AN ORDINANCE AMENDING SECTION 150
OF THE LAKE ELMO MUNICIPAL CODE
TO INCLUDE DEFINITIONS OF A BEAUTY SALON AND DAY SPA

Section 1. Amendment: Section 150 "Definitions" of the Lake Elmo Municipal Code is hereby amended to include the definitions of a Beauty Salon and Day Spa, to wit:

Beauty Salon

Any commercial establishment, residence, or other establishment, place, or event wherein cosmetology is offered or practiced on a regular basis for compensation. An establishment or place where one or more persons engage in the practice of cosmetology.

including hair care, nail care, and skin care on a regular basis for compensation.

Day Spa

A safe, clean commercial establishment, which employs professional licensed therapists whose services include massage and body or facial treatments. Treatments may include body packs and wraps, exfoliation, cellulite and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials, nonsurgical face lifts, electrical toning, and electrolysis. Services may also include Hydrotherapy and steam and sauna facilities, nutrition and weight management. No services or facilities may be offered or constructed that would include customer over night stay.

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

ADOPTED by the Lake Elmo City Council this day of 2004.

Lee Hunt, Mayor

ATTEST:

Martin Rafferty, City Administrator

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

ORDINANCE 97 – 135

**AN ORDINANCE AMENDING SECTION 307.07 SUBDIVISION 4.K.3. AND 4.
RELATING TO CONDITIONAL AND ACCESSORY USES IN THE
LIMITED BUSINESS ZONING DISTRICT**

Section 1. Amendment: Section 307.07, Subdivision 4.K.3. and 4. of the Lake Elmo Municipal Code is hereby amended to read as follow, to wit:

3. Conditional Uses.

Limited Business	
Art Sale and Gallery	20,000 Square Feet Maximum Floor Area
Bicycle Sales	20,000 Square Feet Maximum Floor Area
Boats and Fishing Equipment Sales and Service	20,000 Square Feet Maximum Floor Area
Business Services	Uses normally associated with Office Developments (photocopy and printing shops, travel agencies.) and containing limited retail activity. 20,000 Square Feet Maximum Floor Area
Furniture, Home Furnishings and Related Equipment	20,000 Square Feet Maximum Floor Area
Greenhouses and Nurseries	20,000 Square Feet Maximum Floor Area
Landscaping Services; flowers and floral accessories.	20,000 Square Feet Maximum Floor Area
Licensed Dependent Care Centers	20,000 Square Feet Maximum Floor Area
-	-
-	-
Limited Retail Uses clearly accessory to the permitted principal use of the land	- 20,000 Square Feet Maximum Floor Area
Medical, Dental and Research Laboratories	20,000 Square Feet Maximum Floor Area
Motorcycle Sales	20,000 Square Feet Maximum Floor Area
Pre- School Facilities	20,000 Square Feet Maximum Floor Area
Beauty Salons	20,000 Square Feet Maximum Floor Area
Skiing Equipment	20,000 Square Feet Maximum Floor Area
Snowmobile Sales and Service	20,000 Square Feet Maximum Floor Area
Sporting Goods	20,000 Square Feet Maximum Floor Area
Transmission Facilities for Teleconferencing	Are not free-standing and do not extend more than 20 feet above the building to which they are attached. 20,000 Square Feet Maximum Floor Area
Veterinary Clinics	No crematorium, outdoor kennels or storage. 20,000 Square Feet Maximum Floor Area
Vineyard and Winery Produce and Sales	20,000 Square Feet Maximum Floor Area
-	-

4. Accessory Uses.

Limited Business	
<p>Within the Limited Business District, the following are allowed provided they are subordinate to and associated with a permitted or conditional use:</p> <p>Satellite Dish Antennas to permit teleconferencing Landscape Buffers, Wildlife Areas, Internal Picnicking Areas, Walking/Jogging Trails</p>	<p>Note: Facilities for the operation of helicopters and STOL aircraft are expressly forbidden.</p>
<p>Internal Privately Owned and Maintained Roads for off-street parking and loading areas, between building within a single platted lot</p>	
<p>Other Uses Customarily Associated with, and clearly incidental to a permitted use, as determined by the Council.</p>	
<p>Day Spas as Accessory to Beauty Salons</p>	

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

ADOPTED by the Lake Elmo City Council this day of 2004.

Lee Hunt, Mayor

ATTEST:

Martin Rafferty, City Administrator

Public Hearing: To add Salon/Spa as a Conditional Use in the LB District

The Planner reported that, as directed at the last Commission meeting, he had published a Notice of Public Hearing to consider amendment of the LB zoning district to allow a Salon/Day Spa Use as proposed by a potential business owner in the Prairie Ridge Office Park. He continued that he has structured the proposed amendment to include Beauty Salon as a LB Conditional Use; and, Day Spa as Accessory to Beauty Salon. He said he also developed definitions for both Beauty Salon and Day Spa for inclusion in Section 150 of the City Code. He noted that the Hearing does not include the definitions, since they are not a part of the Zoning Ordinance section of the Code.

Commissioner Sedro said she was confused since the definition proposed for of Beauty Salon can include a vehicle.

The Planner said we should probably remove the words vehicle. He noted that the definitions proposed came from an APA Glossary of planning terms.

Commissioner Van Pelt said the Zoning Ordinance prohibits Beauty Shops as a Home Occupation, but the proposed definition says it could be allowed in a residence. Also, he said that the part that says Salon/Day Spa is nurturing, safe, clean, etc., might be somewhat subjective. He noted that the list of treatments does not include massage; and, suggested that Day Spa exclude overnight resort spa scenarios.

THE CHAIRMAN OPENED THE PUBLIC HEARING 9:42 PM

Ms. Mary Gander

Ms. Gander said she appreciates the work done by the Planning Commission for future situations and applications. She said her plan is for a lovely, upscale facility that will enhance the community.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:44 P.M.

M/S/P, Ptacek/Sessing, To recommend to amend the Zoning Ordinance to allow Beauty Salon as a Conditional Use in the LB Zone with a 20,000 sq. ft. maximum floor area, and to allow Day Spa as an Accessory Use to a Beauty Salon; and, to recommend amending the definitions of Beauty Salon and Day Spas but removing "residence" and "vehicle" from the definition of Beauty Salon, and to add language to differentiate between Day Spa and Overnight Spa. VOTE: 9:0.

MEMO

(June 21, 2004 for the Meeting of June 28)

To: Lake Elmo Planning Commission

From: Chuck Millerud

Subject: Amendment to the Limited Business District – “Salon/Day Spa”

By a letter of May 12, 2004 a potential tenant of the Prairie Ridge Office Park (Highway 5 and Stillwater Blvd.) has requested the City consider amending the list of uses allowable in the Limited Business District to include Salons/Spas as described by the May 12 letter (attached). On May 14 the Planning Commission directed Staff to publish a Notice of Public Hearing to consider the proposed amendment. A generic Hearing Notice has been published in the City's Official Newspaper, and a Public Hearing should be conducted on May 28.

Staff review of the current Lake Elmo Zoning Ordinance regarding the uses described and proposed to be added to the Limited Business District reveals the following:

1. “Beauty Shops” is a Permitted Use in the General Business District, while “Beauty Services” is a Permitted Use in the Convenience Business District.
2. Neither “Beauty Shops” nor “Beauty Services” are defined in Section 150 of the Code.
3. Neither “Salon” nor “Day Spa” is referenced as uses in any commercial zoning district, nor is either term defined by Section 150.
4. There is no reference to any of these uses in the Limited Business Zone.
5. The only other reference in the Zoning Ordinance to these uses is the prohibition of “beauty shops” as a Home Occupation (Section 150).
6. The Convenience Business Zone (see #1 above) is included in the Zoning Ordinance, but no land is so zoned in Lake Elmo today. However, this zone was not repealed in prior years – as was the Highway Business Zone.

The original authors of the Lake Elmo Zoning Ordinance obviously determined that “Beauty Shops” are a reasonable use in the most intensive (GB) zone without limitation as to scale. In addition the familiar terms “...clearly incidental and subordinate to the allowed uses...” describe the range of accessory uses permitted in the GB zone. Based on the description and principal/accessory relationship of the use(s) in the Gander May 12 letter, it would appear that the “Salon” and “Day Spa” would probably be permitted in the GB zone as accessory to the “beauty shop”, even though not referred to directly by the Ordinance. The same appears to be the case with the Convenience Business Zone (CB), but that is of little consequence, since the CB zone is not in use.

With the repeal of the Highway Business zone; and the non-use of the Convenience Business zone, only three commercial zoning districts effectively remain in Lake Elmo: Business Park, General Business and Limited Business. With Business Park being very

specialized, the net availability becomes but two zones. It is not unusual with a Euclidian zoning ordinance (such as the current Lake Elmo ordinance) to allow identical uses in commercial zones of varying intensity as "Permitted" in the more intense zone; and, as "Conditional" in the less intense zone. This strategy is in recognition that some uses can coexist with those of lesser intensity under certain conditions. If those uses can not meet those conditions, the option remains for the proponents to secure land zoned at the more intense use level. The 20+ year old term "beauty shops" may fit this description.

In the 20+ years since the Lake Elmo Zoning Ordinance was last addressed in total, the concept of "beauty shop" has, in most cases, matured into a broader use termed "Salon" (including both hair care and other related services). The "Day Spa" concept of adding a social club setting to the Salon service is a more recent concept. If the some of the floor area of services related to hair care and the floor area of the use devoted to social activities remains less than the floor area of the use directly related to hair care, the principal use does not vary a great deal from the original "beauty shop". In that case, it could be argued that allowing a salon as a principal use (be it Permitted or Conditional) is a contemporary replacement for the dated "beauty shop"; and, only the day spa could be considered a truly new use.

The LB section of the Zoning Ordinance does not allow Accessory Uses to Conditional Uses – only Accessory Uses to Permitted uses. While, based on a lesser floor area than the salon use, a day spa might today be considered "customarily incidental" to a salon, that will not suffice in the Limited Business District if a salon use is to be Conditional – as are most LB uses. The day spa must be itself a specified Conditional Use. I believe it will also be necessary to add definitions of both "salon" and "day spa" to Section 150 of the City Code.

I have attached zoning ordinance amendment language that addresses this issue in the manner above described. I have also attached the Section 150 definitions that accompany any recommendation to the City Council in this regard.

To: Mr. Chuck Dillerude, City of Lake Elmo
Date: 5-12-04

RE: Application for conditional use permit to locate an upscale Dayspa and Salon in the Lake Elmo's new *Prairie View Ridge* business development

The location and esthetics of the new *Prairie View Ridge* business development in Lake Elmo are most impressive to me and I would like to purchase one of the buildings currently planned for construction, from Mr. Pete Tachney. Therefore, I would like to apply for a conditional use permit for proper zoning in the current 'limited business' designation, for an upscale Dayspa & Salon business.

DESCRIPTION OF THE PROPOSED DAYSPA & SALON

We envision the Dayspa and Salon to have an elegant, upscale look and feel. It will be a place for clients to come, not only for the highest quality hair, skin, and nail services, but also for socializing in an attractive, relaxing, atmosphere.

Services to be offered by the proposed Dayspa & Salon:

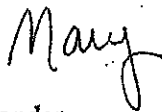
Hair cutting, styling, and related hair care services
Manicure and pedicure; and certified massage therapy
Facials, skin care, hair waxing/removal; and make-up application for special occasions
A limited selection of fine quality hair, skin, and beauty products will be available for purchase.
(We will NOT be selling coffee, liquor or food.)

We envision starting with 10-12 hair styling stations, perhaps growing to 18 stations sometime in the future. We will have 4 manicure and pedicure stations, 2 esthetician rooms and 2 massage rooms. The interior entry will be especially elegant and inviting, including a large waiting area with a fireplace, tastefully decorated with attractive furnishings and accents. The reception counter and display of selected beauty products will also be located in the entry area. In addition to the service stations and rooms, we will have two ample bathrooms; a shower room with two large walk-in showers; a dressing/changing room with lockers for clients; an employee lounge/breakroom; and a laundry room.

The Dayspa & Salon will require about 3800 S.F. I plan to lease out the remaining 1200 S.F. to a complementary professional business such as a cosmetic dental practice or a dermatologist. In this way, our two businesses can enhance each other and provide convenience for our clientele. This also leaves open the option to expand my business in the future, to include additional medical spa services such as botox, microdermabrasion, and laser hair removal.

I appreciate this opportunity to apply for proper zoning and eagerly await a decision. If approved, I would like Mr. Tachney to begin construction as soon as possible and will be most pleased to cooperate in any way I can. Please contact me with any questions or concerns.

Sincerely,



Mary J. Gander
31477 County Rd I
Apple Blossom Drive
LaCrescent, MN 55947

Home Phone: 507-643-6761
Cell Phone: 507-358-3009


<p>Lake Elmo City Council July 6, 2004</p>	<p>Agenda Section: Planning, Land Use & Zoning</p>	<p>No. 9B</p>
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Agenda Item: Comprehensive Plan Amendment & Rezoning - Olinger

Background Information for July 6, 2004:

At its meeting June 28, 2004 the Planning Commission conducted a Noticed Public Hearing and adopted recommendations (8-1, Deziel opposed) to amend the Comprehensive Plan Land Use Map from RAD to SRD; and, to rezone from RR to R-1 a 4.5+ acre portion of a 14.5 acre site that is proposed by the applicant for those Plan and Zoning Map actions in total. The majority of the Commission determined that there has been no change of conditions that would support the amendments, but that there may have been an error at some point in history by not extending a the geographic pattern of SRD classification and R-1 zoning surrounding most of Lake Jane (the lake front lake ward of the road and 1 tier of lots landward of the road) to the 4.5+ acre portion of the applicant's property matching that geographic description/logic. The majority of the Commission determined that the 10 acre remainder of the applicant's site should continue to be classified as RAD and zoned as RR.

During review of this application staff has discovered what appears to have been a map drafting error on the 1997 Comprehensive Plan amendment that was carried forward to the 2000 Comprehensive Plan amendments. The error involves properties to the east of the applicant's. The error results in a conflict between the Comprehensive Plan classification, and the existing zoning of 7 parcels. Correction of the error will need to be addressed by a separate action, which staff will initiate.

<p><u>Action items:</u></p> <ol style="list-style-type: none"> 1. Motion to adopt Resolution #2004 - ⁰⁵³, amending the Comprehensive Plan to reclassify a portion of Olinger property in Section 10 from RAD to SRD based on the recommendation of the Planning Commission. (4 affirmative votes required) 2. Motion to adopt Ordinance #97 - ¹³⁶, rezoning a portion of Olinger property in Section 10 from RR to R-1 based on the recommendation of the Planning Commission. (4 affirmative votes required) 	<p><u>Person responsible:</u></p> <p>City Planner </p>
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<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Resolution #2004 – Comp Plan Amendment 2. Draft Ordinance #97 – Rezoning 3. Draft Planning Commission Minutes of June 28, 2004 4. Planning Staff Report (Note Amended Graphic) 5. Applicant's Documentation 	<p><u>Time Allocated:</u></p>
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CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-053

A RESOLUTION AMENDING THE FUTURE LAND USE MAP OF
THE 1990 LAKE ELMO COMPREHENSIVE PLAN

WHEREAS, at its June 28, 2004 meeting, the Lake Elmo Planning Commission held a public hearing on a Comprehensive Plan Amendment to the Future Land Use Map of the 1990 Lake Elmo Comprehensive Plan of the following described property, owned by Daniel and Jean Olinger, from RAD to the SRD classification.

(Insert Legal)

WHEREAS, the Lake Elmo City Council reviewed and approved the Comprehensive Plan Amendment on July 6, 2004;

NOW, THEREFORE, BE IT RESOLVED, that the Future Land Use Map of the 1990 Lake Elmo Comprehensive Plan is hereby amended to designate the above described property as SRD.

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

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty
City Administrator

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

ORDINANCE NO. 97-136

**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 Rural Residential (RR) to Single Family Residential (R-1) based on conformity with the Comprehensive Plan, owned by Daniel and Jean Olinger, 9057 Lake Jane Trail, legally described as follows:

(Insert Legal)

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 6th day of June, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Published in the Stillwater Gazette on the day of July, 2004.

Rezone Olinger

Public Hearing: Olinger – Rezone and Comprehensive Plan Amendment

The Planner reported that the applicant has requested that a 14.5 acre parcel be reguided from RAD to SRD, and rezoned from RR to R1. He noted that there was an application years ago for platting of this area into multiple R1 lots. The history is unclear as to why this parcel is guided and was zoned RAD. The Planner also noted that properties to the east appear to have been the subject of a drafting error with the 1997 Comp Plan amendment that was carried forward with the 2000 Comp Plan Amendment. While those properties are zoned R-1 reflecting the pattern surrounding Lake Jane; and, were properly guided SRD in 1990, the guiding was changed to RAD in the 1997 Plan Amendment in error. He suggested that the City should correct that error regardless of the outcome of the subject application.

The Planner then advised that the review for a change to the Comprehensive Plan has to respond to one of two things, 1.) A determination that an error was made in the original guiding or, 2.) That conditions have changed to make the guiding incorrect today.

The Planner observed that the only apparent logic to this area not being guided SRD was that it was not platted. He questioned whether that would be a good reason not to guide it SRD in the first place given the pattern of SRD guiding and R-1 zoning establish around Lake Jane.

The Planner suggested an amendment to the application splitting the zoning such that the lake frontage north of Lake Jane Road; and one tier of lots south of Lake Jane Road would be SRD/R-1. The balance of the applicant's parcel would remain RAD/RR. He observed that this would continue the pattern of guiding and zoning that exists around Lake Jane – which could be proper grounds for a reguiding.

Commissioner Sedro asked if the portion of land to the north of Lake Jane Trail is within the 100 year flood elevation.

The Planner said that a portion could be flood plain ; and, with the minimum setback of 100 feet from Ordinary High Water, home siting could be a problem.

Commissioner Deziel noted that everything to the west of Jamaca is zoned R-1. He asked if there is any logic to extending R-1 to the entire parcel. He suggested that he sees no logical reason for it to stay RR.

The Planner responded that the area to the west extends farther south because of previous platting.

Commissioner Sedro asked about the Public Facility status of land to the south of the subject; and, if MPCA is reclaiming it due to the closed land fill.

The Planner replied that the west part of that adjoining parcel is the Public Works garage. The City has been advised repeatedly, dependent upon test wells, that the day could arrive when the City might be asked to abandon that site should water problems migrate north. If the applicant's properties were developed, Oakdale water service would be extended to service any new lots.

Commissioner Schneider asked what could become of that residue RR parcel.

The Planner said it can have one single home as it is today. It also could be combined with property to east for an RE project.

Tim Freeman, Land Surveyor and Land Planner with FFE

Mr. Freeman said there are reasons for asking for it all be under one ownership, not to chop it. One owner should mean that it will all be the same zoning. The surrounding lands were previously platted as smaller lots. The owners of this parcel wanted to keep it open, and they did not get the same opportunity

to plat. He said that seems unfair. He observed that in the entire Tri-Lakes area all lots are one acre or 1.5 acres. He said it seemed consistent to him to rezone the whole thing R-1. There is no master plan for the applicant's site; and, that the owners and Mr. Freeman are just looking at the big picture and they want to create a parcel for the daughter. He observed that the residue parcel zoned RR, as proposed by City Staff, is cumbersome to do anything with. He suggested that, assuming minimum lot sizes for RE, building a road through the entire long residue parcel to get lots on only one side is not sensible. He suggested that, if there is enough reason to reguide and rezone the north half of the parcel, there is enough reason to rezone and reguide the whole thing. He advised the Commission that Future Land Use guiding is not supposed to be used just to guide something based upon the way it is already developed. He said the applicants are not asking for a specific development request, they are just taking the first step; and, after that they can decide how it can be used. He said he thinks that this site was overlooked in the past, and community planning should take in the whole area.

Chairman Helwig said knew why that parcel wasn't changed before was because Carl Olinger did not want it changed before. He suggested that what the parcel's use is, and what it should be guided can be two different things.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 9:18 P.M.

No testimony was given. The Chairman noted that a letter was received from Mildred Thurmes supporting the application.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:19 P.M.

Commissioner Deziel asked if this would be reviewed when the City again reviews the entire Comprehensive Plan, and if so when will that next review occur.

The Planner said the new Zoning Ordinance could change circumstances here. Distinctions between RR and R-1 could blur. A Comprehensive Plan is required to be reviewed every ten years; and, by next year at this time, our new Systems Statement will be issued. A new or reviewed Comp Plan will be needed by 2008.

Commissioner Ptacek said he agrees with the majority of the Staff Report, and he thinks drawing the line between SRD and RAD as proposed is proper. He noted that he believes two tiers of SRD guiding along Lake Jane is proper; and, will serve the applicant's near future needs.

M/S/P, Ptacek/Van Pelt, To recommend approval of the Comprehensive Plan Amendment for certain portions of the subject parcel as proposed by the Planning Staff Report; and, to recommend approval of those same portions be rezoned R-1.

Chairman Helwig said the applicant can always reapply to change the south portion of the site it later based on specific plans.

Mr. Freeman said the sensible thing would be to plan the whole parcel at one time. Building a road for three lots would make little sense, it would be more realistic to build for more lots should they ever wish to rezone.

Commissioner Deziel asked how often the City splits zoning on a single parcel.

The Planner said it is not that unusual.

Mr. Freeman added it is not the preferred method for rezoning.

Commissioner Ptacek said that if the applicants don't want to do anything with the south ten acres, the City should leave it guided and zoned as is.

Commissioner Sedro said she supports the application because R-1 was created to accommodate and fill in areas of the City that already were platted with small lots. She said she does not see that R-1 zoning as fitting the southern portion of the parcel.

Mr. Freeman said there was a preliminary plat approved for this site in the past but Carl Olinger did not go forward with it. He said the applicants would not be here with this application today if he had done that, but the applicants should not be now penalized for that lack of follow-through. He observed that existing lots on Lake Jane are one-half and even one-third that size; and, that today's R-1 standards would make newly created R-1 lots more like on the west side of Jamaca – larger than many of the other lots around Lake Jane..

VOTE: 8:1 (Deziel, He said there has been insufficient discussion. Geometry here has just been a call).

Applicant's Proposal

Existing R-1 Zoning
SRD Classification

Existing RR Zoning

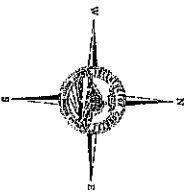
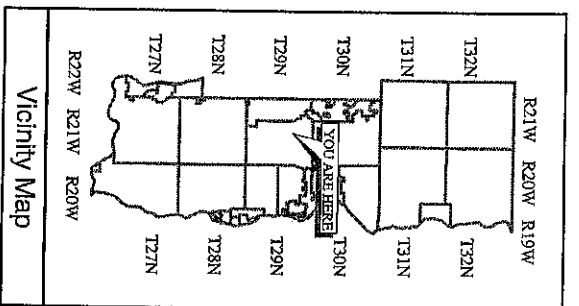
Applicant's Proposal
RAD to SRD Classification
RR to R-1 Zoning

Existing R-1 Zoning
(RAD Classification - Error)

Existing
RR Zoning
RAD Classificator

Existing PF Zoning
(City Public Works)

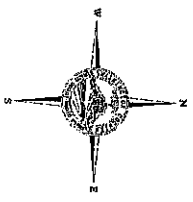
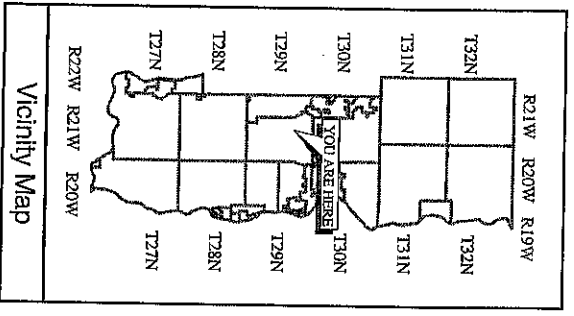
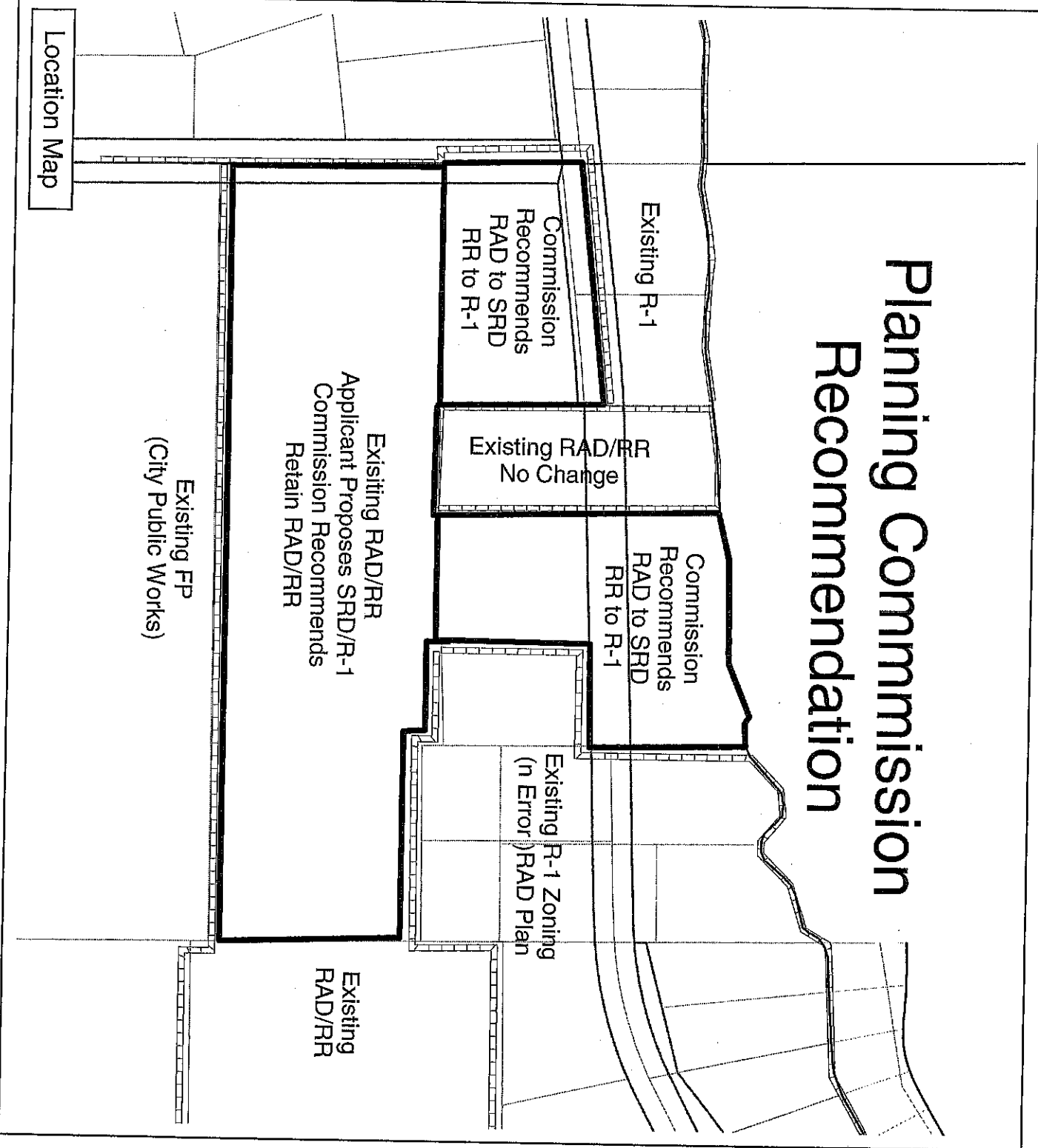
Location Map



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

Source: Washington County Surveyor's Office.
Phone (851) 450-6875
Parcel data based on AS400 information

Planning Commission Recommendation



Existing FP
(City Public Works)

Location Map

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

Source: Washington County Surveyor's Office.
Phone (651) 438-6875

Parcel data based on AS400 information

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: June 24, 2004 for the Meeting of June 28, 2004

Applicant: Daniel & Jean Olinger

Location: 9057 Lake Jane Trail

Requested Action: Comprehensive Plan Amendment/Rezoning

Land Use Plan Guiding: RAD

Existing Zoning: RR

Site History and Existing Conditions:

In the early 1970's the Olinger's presented a concept plan for the entire parcel, which included 15 lots. This concept was consistent with the zoning and subdivision regulations in place at the time, creating 1.5 acre minimum lot sizes.

On November 11, 1981, the City Council considered a request by the Olinger's to subdivide the existing dwelling and garage into a parcel of approximately 2 acres in size, but divided by Lake Jane Trail. The Council approved the request (Resolution 81-71) with the stipulation that the parcels (shown on the concept and preliminary plat as Lots 1 and 2) be combined into one parcel - approximately 15 acres in area.

That subdivision resulted in the approximate 2-acre parcel and the remainder of the Carl Olinger property in tact. On March 11, 1982, the city received a letter from Carl Olinger stating he was withdrawing his application for the 15 lot plat, which had been previously approved by the City as a concept and preliminary plat.

In 1991 a Shoreland Permit and Building Permit were issued to demolish the exiting house on the 2 acre parcel; and, to construct a new home on that site.

In 2000 a Minor Subdivision was approved that effectively traded ownership of the "remnant" 15 acres from the Carl Olinger parcel to the Daniel Olinger parcel (the 2 acres created in 1982). This actually amounted to no more than a property line adjustment, since no new parcels were created. Washington County tax records now show the entire 18 acres in the ownership of the applicants - Dan & Jean Olinger - while the applicants' graphics show Carl Olinger as the owner of the above referenced 2+ acres.

The 16+ acre site proposed for Comprehensive Plan Amendment and rezoning is made up of a level portion of 1.54 acres with 785 feet of Lake Jane frontage north of Lake Jane Trail; and, an irregular portion of as the balance of the 14.5 acres located south of Lake Jane Trail. The south portion is gently rolling, with a single family home and accessory structures. The south portion is partly farmed, and partly used for storage of assorted equipment and materials. The City leased storage on this south portion for materials until 2003. The lease has expired and the City's materials have been removed.

Discussion and Analysis:

The applicants propose an Amendment to the Comprehensive Plan that would change the land use classification the 16.5 acre parcel from RAD to SRD (Suburban Residence District). They concurrently request rezoning of the reclassified lands from RR to R-1 – consistent with the land use reclassification. In the documentation submitted the applicants argue that most other properties in the Tri-Lakes area are presently classified SRD and zoned R-1. They state that no specific development is applied for, just the land use reclassification and the rezoning. Their application does refer to creation of a single new parcel, but no platting application documentation was submitted supporting that proposal.

A review of the Comprehensive Plan and zoning map reveals that the applicants have offered an accurate observation – most of the lands in the Tri-Lakes area are, in fact, classified SRD and zoned R-1. It should be noted, however, that little, if any, of that so classified and zoned land is vacant and/or divisible. The vast majority of the land referred to by the applicants is platting from the 70's and well before, and the SRD classification and R-1 zoning of those properties was merely to reflect the size of the parcels as platted, not the intention of the City to create new 1.5 acre (minimum R-1 area) lots.

In this case, however, the reclassification and rezoning proposed would at some point result in a plat for up to 10 single family detached lots of as little as 1.5 acres area. That raises two primary issues:

1. Is it the intent of the City to plan/zone vacant parcels that could result in 1.5 acre plats without the OP Conservation Plat process? Consider that the OP process, while allowing creation of lots as small as .75 acres to 1.0 acres, also limits the gross site density to 4/10 units/acre. The resulting site density of OP roughly equals 60% of the site density that can be attained with R-1 zoning and 1.5 acre lots. While the 1.5 acre lots may appear less dense than the .75 or 1 acre lots of OP, the actual site density of 1.5 acre conventional lots is substantially greater than OP. It is site density that, in the end, results in community character and demands for City infrastructure and services, since it is site density that dictates house count and head count that results from development.
2. Does the fact that SRD classification and R-1 zoning predominates in the Tri-Lakes area, and two tiers off of Lake Jane elsewhere constitute sufficient grounds for classifying all or a portion of this 16+ acres similarly? This argument may result in a more logical zoning map appearance, but is that a good reason for the amendment? Perhaps the two tier argument could be applied here, but that, then would suggest that only the land north of Lake Jane Trail, and the initial 250 feet south of Lake Jane Trail, should qualify for SRD classification and R-1 zoning.

The applicants' 16+ acres; and a parcel of a similar size to the east, share the constraint of the inability to combine with lands to the north (platted or lake) or south (City ownership and closed landfill issues) to enable a parcel size eligible for OP development. Taken together, however, those parcels could qualify, by sum area (20 acres +), as an RE conventional development (2.5 acre minimum/3.3 acre average). This 15 acres might also be a candidate for a 4/5 OP variance to create 6 OP lots (5, net of the existing home) – realizing that the OP site buffering standards would be a problem with this site shape as well.

The usual factual foundation supporting a Comprehensive Plan Amendment (and the requisite change in zoning) is either “change in conditions” or “error in the existing plan”. While “change in conditions” can include many circumstances (such as a change in City land use policy; or, the availability of public infrastructure that would dictate a different land use or land use intensity), staff does not detect any change of conditions that would suggest a Comprehensive Plan Amendment is justified on the subject site.

Our review of the series of Comprehensive Plan land use maps contained in the 1990, 1997, and 2000 Lake Elmo plans reveals what may be an error in drafting in 1997 that was carried forward into the 2000 Plan involving the properties to the east of the site. The 1990 Plan classified the 7 properties east of the subject site that are south of and fronting Lake Jane Trail as SRD, and the resultant zoning was R-1 (and still is). All 7 of those properties then existed as prior divisions with lot areas slightly above or below the R-1 1.5 acre minimum. There are homes on all 7 lots, and there may have been homes there in 1990 as well. The SRD Plan and R-1 zoning of those properties was both logical (to minimize the number of non-conforming sites in the City), and consistent with the Plan and zoning of the balance of the existing lots in the Tri-Lakes – and elsewhere in the City.

Both the 1997 and 2000 Comprehensive Plan land use maps reclassify those 7 lots east of the subject site from SRD to RAD. Given the physical circumstances of those properties, we do not believe that was an intentional action by the City, but rather a map drafting error in 1997 that carried forward into 2000. The zoning map continues to show the R-1 zoning of those properties that was based on the 1990 Plan. We believe there was an error in the 1997 Plan regarding those 7 properties – and that error continues with the 2000 Plan. Those lots should have retained SRD classification. A Plan correction is in order, but can not be accomplished without the City initiating a formal process.

The error we believe we have detected in the 1997 and 2000 Comprehensive Plans regarding properties east of the subject does not directly impact the subject site. That error does, however, affect whatever logic that can be applied to the consistency of Plan treatment of properties surrounding Lake Jane – and in the Tri-Lakes area in general. If those 7 parcels to the east continue to be planned RAD, they should be rezoned RR, as is the subject property today. The planning/zoning consistency argument for SRD plan and R-1 zoning for the subject property would be of less weight in that case.

Assuming that planners in 1990 (and, short of a drafting error, in 1997 and 2000) concluded that SRD/R-1 was appropriate for the lakefront north of Lake Jane Trail, and a single tier of lots south of Lake Jane Trail to the east of the subject, why did they not extend that logic across the subject property? Was it because the property was not divided into 1.5 acre (plus or minus) lots at the time; or, was it because the property owner at that time requested RR zoning (and a responsive Plan classification) due to structures and uses of the land at that time that would not be permitted (or become non-conforming) in an R-1 zone?

Findings and Recommendations:

Setting history and errors related to other properties in the neighborhood aside, the applicants’ now propose SRD classification and R-1 zoning for the entire 16+ acre parcel. Staff finds that the City may have erred in the past to some extent by not assigning that classification and zoning to the subject property in the same manner as to the properties to the east – lake frontage and 1 tier of lots south of Lake Jane Trail. Whether or not that portion of the subject site was platted into 1.5

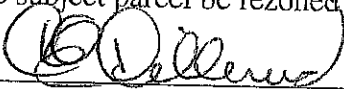
acre lots at the time (1990 or before) was probably not of as much significance as maintaining an established use and density pattern in the immediate neighborhood.

Based on the foregoing, staff recommends the Planning Commission consider a Comprehensive Plan Amendment to reclassify the portion of the subject site north of Lake Jane Trail (1.58 acres); and, that portion of the subject site lying south of Lake Jane Trail which is north of the south line of the 2 acre exception parcel (3.09 acres) from RAD to SRD. If the Commission concurs in the foregoing, we also recommend that those same portions of the subject parcel be rezoned from RR to R-1 for Plan consistency.

We also recommend the City initiate actions for a Comprehensive Plan amendment to both return the 7 properties to the east of the subject to the SRD classification; and to classify SRD the remaining RAD classified properties north of Lake Jane Trail, and the "exception" parcel surrounded by the subject site south of Lake Jane Road. Again, should this foregoing recommendation be concurred in by the Commission, corresponding rezoning to R-1 is also required.

Planning Commission Actions Requested:

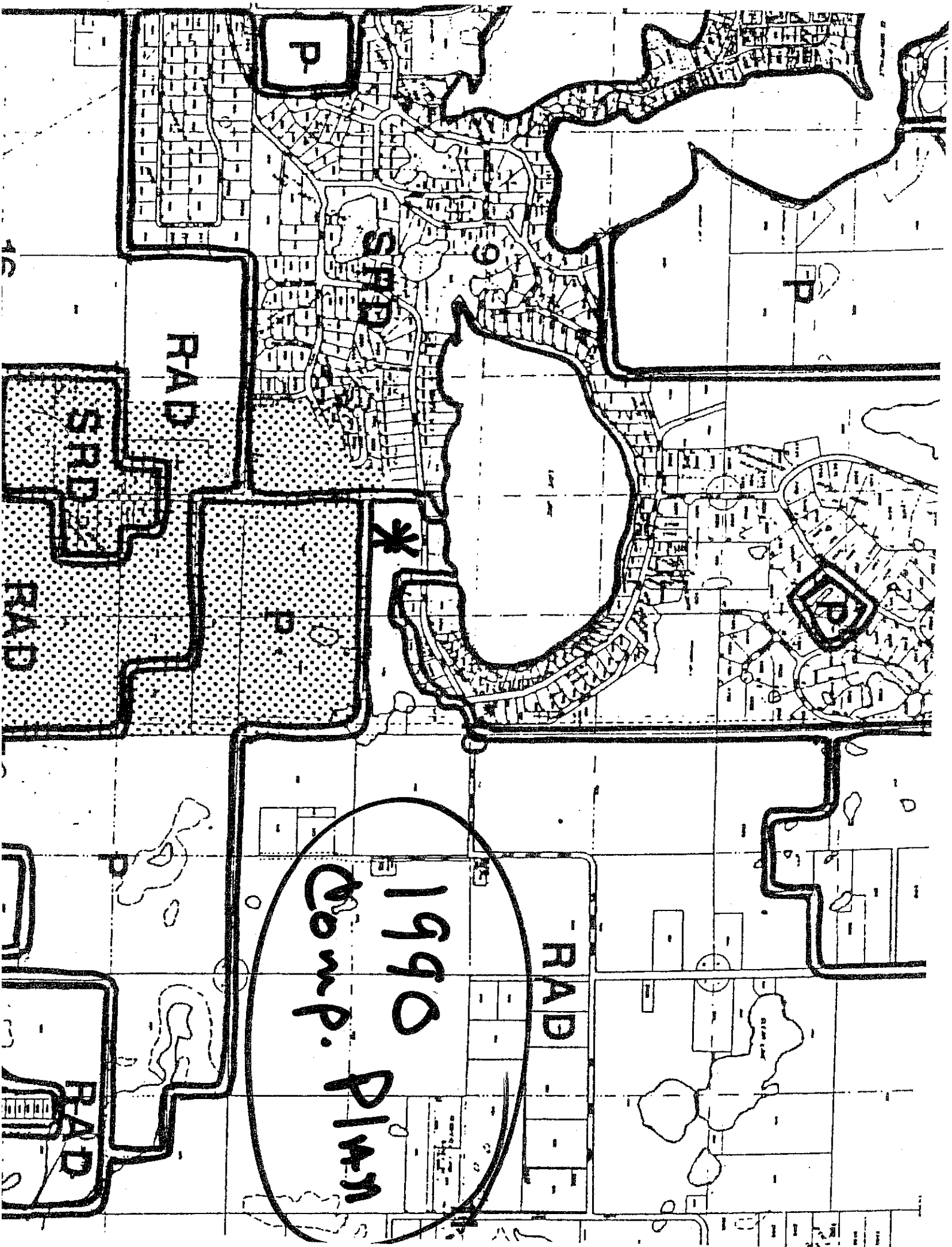
Motion to recommend a Comprehensive Plan Amendment to reclassify those portions of the Dan & Jean Olinger parcels north of Lake Jane Trail (1.58 acres); and, that portion of the Dan & Jean Olinger parcels lying south of Lake Jane Trail, which are north of the south line of the 2 acre exception parcel (3.09 acres) from RAD to SRD. Also, to recommend that those same portions of the subject parcel be rezoned from RR to R-1 for Plan consistency.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Staff Graphics
3. Applicants' Documentation and Graphics



1990
Comp. Plan

RAD

SPD

RAD

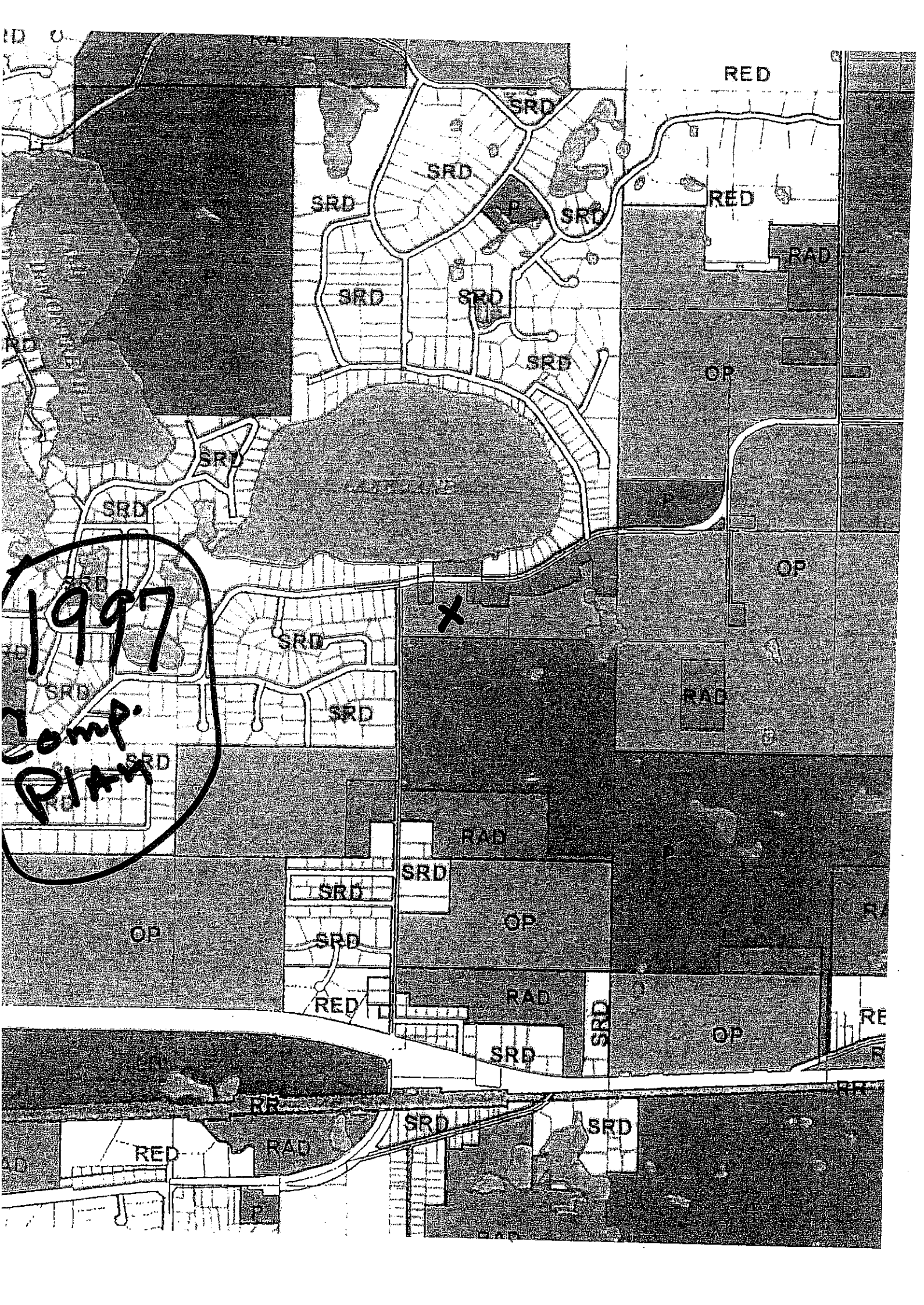
P

SPD

P

RAD

RAD



1997
Comp.
Plan

X



REZONING NARRATIVE DAN AND JEAN OLINGER

June 8, 2004

The subject property owned by Dan and Jean Olinger is currently zoned RR (Rural Residential). The property is on the south shore of Lake Jane, north of the City Public Works Facility. The vast majority of the property in the Tri Lakes area is zoned R1 (One Family Residential).

The rezoning request is made to bring this property zoning in line with the character of the existing neighborhood. This proposed rezoning is *not* offered in conjunction with a development request. This rezoning request would simply square off the existing zoning areas and include an area for a second tier of lots along Lake Jane Trail North.

The area is served with a public municipal water system which is capable of handling any proposed lots on this property. There is no public sewer in Lake Elmo, and the sewage treatment of any proposed lots would be by standard on-site septic and drainfield, similar to the way the rest of the R1 lots in the neighborhood, or with a joint use or wetland treatment system.

To develop the subject property with the lot sizes consistent with the existing neighborhood would require variance requests, which we believe is not the proper course of action. We believe that the rezoning of this property now will preserve the character of the neighborhood for any future development. Approval of this rezoning request would demonstrate to the Met Council that Lake Elmo is indeed willing to consider additional housing units in the *appropriate areas* of the City.

**RECEIVED
JUN 10 2004**

6/17/04

Lake Elmo Planning Commission

I have no objection to Dan & Jean
Olinger applying for rezoning.

Mildred L. Thurman

9189 Lake Jane Trail

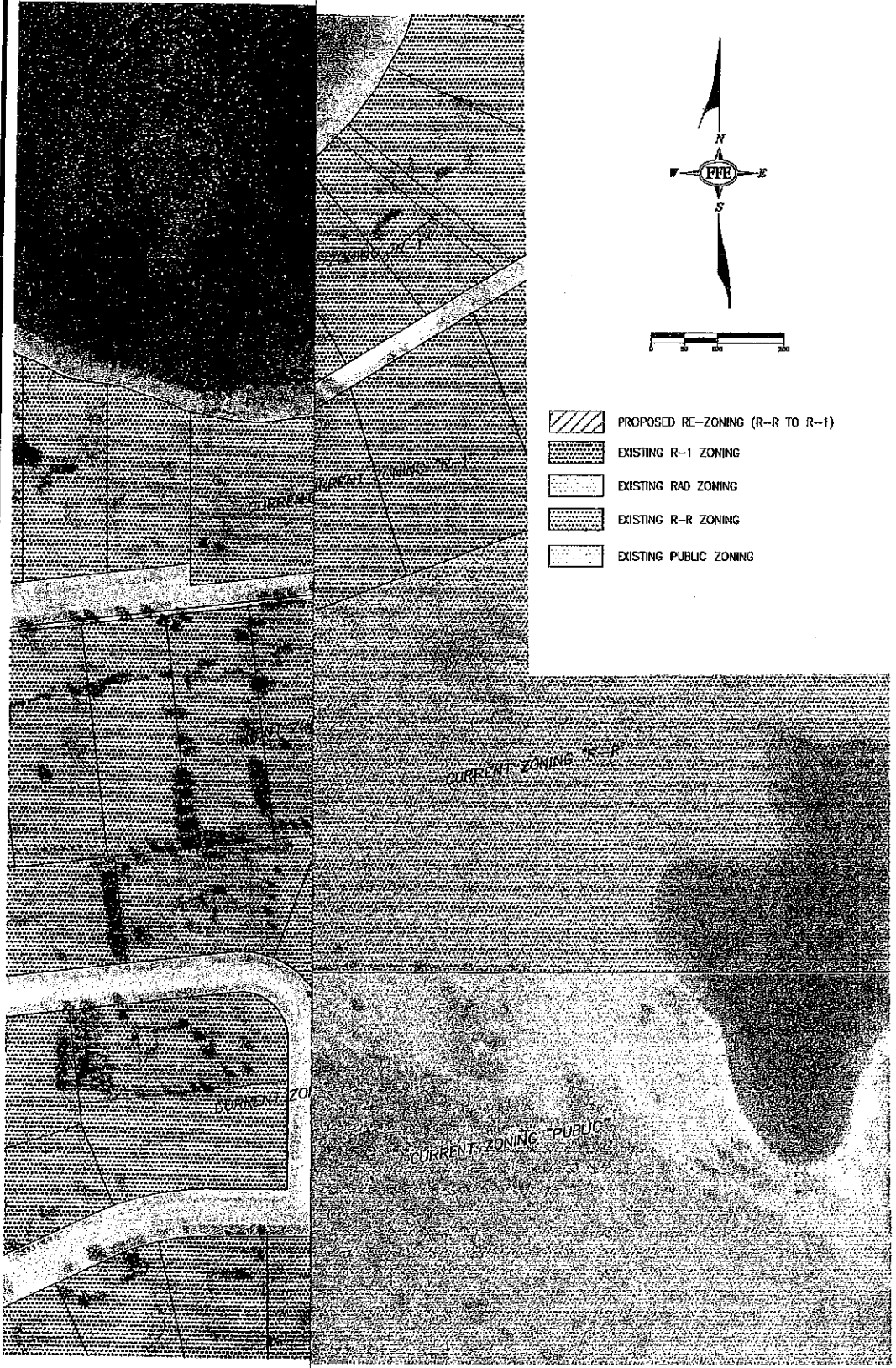
Lake Elmo






Utah
55042

Folz, Freeman, Erickson, Inc.
 LAND PLANNING ♦ SURVEYING ♦ ENGINEERING



5620 MEMORIAL AVENUE NORTH
 STILLWATER, MINNESOTA 55082
 Phone (651) 439-8833 Fax (651) 430-9331



-  PROPOSED RE-ZONING (R-R TO R-1)
-  EXISTING R-1 ZONING
-  EXISTING RAD ZONING
-  EXISTING R-R ZONING
-  EXISTING PUBLIC ZONING

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Lake Elmo
City Council
July 6, 2004

Agenda Section: Planning, Land Use & Zoning

No. 9C

Agenda Item: Zoning Variance - 8061 Hill Trail North/Abrahamson

Background Information for July 6, 2004:

At its meeting June 28, 2004 the Planning Commission conducted a Noticed Public Hearing and adopted (8-1, Ptacek opposed) a recommendation to approve a variance at the subject address to allow an existing "Tool Shed" of approximately 210 square feet to be retained. The nay vote was based on that Commissioner's concern with the precedent he foresees by approving the variance.

The Zoning Ordinance provides that Tool Sheds may not exceed 160 square feet of building area. Structures in excess of 160 square feet are considered Accessory Structures. Only a single Accessory Structure is permitted in the R-1 zoning district (in which this property is located). The screen porch now under construction on this property would be become a second Accessory Structure if the existing 210 square feet structure remains on site without a variance from the 160 square foot maximum "Tool Shed" area requirement.

Two adjacent neighbors appeared (one in person, and one in writing), Neither party offered objections to the variance.

Action items:

Motion to adopt Resolution #2004 - ⁰⁵⁴, approving a variance from Section 300.13 Subd. 3A.1. of the City Code for Carl Abrahamson., 8061 Hill Trail to permit a "Tool Shed" of 210 square feet where the Zoning Ordinance specifies a 160 square foot maximum area for tool sheds, based on the recommendation of the Planning Commission.

Person responsible:

City Planner 

Attachments:

- ⁰⁵⁴
1. Draft Resolution #2004 - Approving Variance
 2. Draft Planning Commission Minutes of June 28, 2004
 3. Planning Staff Report
 4. Applicant's Documentation

Time Allocated:

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-054

A RESOLUTION APPROVING A ZONING VARIANCE FOR
CARL ABRAHAMSON LOCATED AT 8061 HILL TRAIL NORTH

WHEREAS, Carl Abrahamson, 8061 Hill Trail North, has made application for a zoning variance to allow an existing tool shed of approximately 210 square feet to be retained.

WHEREAS, at its June 28, 2004 meeting, the Planning Commission reviewed and recommended approval of the variance from Section 300.13 Subd. 3 A.1. of the City Code for Carl Abrahamson, 8061 Hill Trail to permit a tool shed of 210 square feet where the Zoning Ordinance specifies a 160 square foot maximum area for tool sheds based on the following findings:

1. The property could be put to a reasonable use if used under the conditions allowed by the zoning code.
2. The variance requested results from circumstances unique to properties where structures were constructed prior to adoption of current zoning regulations; and the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, at its July 6th meeting, the Lake Elmo City Council reviewed the zoning variance to permit Carl Abrahamson an existing building of approximately 210 square feet at 8061 Hill Trail to qualify as a tool shed and therefore be permitted in addition to the permitted number of accessory buildings as provided by Section 300.13, Subd. 3A.1. of the City code,

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the zoning variance from Section 300.13, Subd. 3A.1. of the City Code for Carl Abrahamson, 8061 Hill Trail, to permit a tool shed of 210 square feet where the Zoning Ordinance specifies a 160 square foot maximum area for tool sheds, based on the recommendation of the Planning Commission.

ADOPTED BY THE Lake Elmo City Council the 6th day of July, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Abrahamson Variance

DRAFT

Public Hearing: Variance - Carl Abrahamson

The City Planner introduced this variance request for a resident on Hill Trail. He reported that this is an old platted area in the community, where multiple very small lots were combined to make a buildable lot.

The Planner reported that an application for a building permit was granted to build a screen house on this property. At the time of application, an issue was raised by the inspector regarding the size of an existing small, and old detached garage that is used as for a storage shed on this site since no dimensions of the structure were shown on the building permit application drawing. The Planner noted that the City Code specifies an R-1 parcel can have only one Accessory Structure in addition to an attached garage.

The Planner advised the Commission that a structure of less than 160 square feet can be added to a parcel in addition to the one permitted Accessory Structure as a "Tool Shed". He reported that, at the time the permit for the screen house was issued, it was assumed that the existing old structure was 160 square feet or less; and, the new screen house would have been the first accessory structure on this parcel. After construction of the screen house was commenced, an inquiry was made by a neighbor about whether the screen house would be a second accessory structure. Upon on-site measurement of the old structure by d the Building Official the old structure was found to be slightly more than 200 square feet in area. Since that was too large to qualify as a "Tool Shed", a Stop Work Order was issued on the screen house at point of construction of a concrete floor being formed and framing partly complete. He reported that the applicant felt the City is partly responsible for the dilemma, and has requested a variance to allow a tool shed in excess of 160 square feet. The Planner reported that the City Council agreed to waive the application fee for the variance.

The Planner reminded the Commission that a physical hardship must be demonstrated to support approval of a zoning Variance. He suggested Findings regarding the application as follow:

1. The property can be put to reasonable use without the variance.
2. Circumstances are not entirely the fault of the applicant. City did not insist on a dimensioned drawing that would have demonstrated the with a building permit application
1. The granting of the variance will not change the essential character of the neighborhood.

The Planner suggested that he believes that there remains a hardship in this case, even though Finding #1 does not appear to support a hardship determination. He also said that this is not the first time the City has seen similar circumstances, but those circumstances are rare and reasonably unique, so as not to create a difficult precedent for the City. The Planner said he did not think this would be a precedent, so there would be no harm resulting to the Zoning Ordinance. He said staff recommends approval, however a motion to deny could be based upon Finding #1 and would require the applicant to remove or modify of one of the two accessory structures.

Commissioner Sedro pointed out that if this screen porch were attached to the primary structure, this would be a moot point.

Commissioner Sessing asked if there is a limit to the number of tool sheds allowed in R-1.

Carl Abrahamson

Mr. Abramson said he properly applied for and got a building permit for the screen house. He said the Building Inspector asked if he was sure the tool shed is less than 200 square feet. Mr. Abramson said he told the inspector that it was; and, the Building Inspector signed off on the screen house permit without further inquiry.

DRAFT

Mr. Abrahamson said he has been a resident of the City for forty years, and is unfamiliar with the Code requirements. He suggested that portions be included in the newsletter so people know. If he knew he had to be smaller than 160 square feet, he would have planned it that way. When he told him 200 square feet, Mr. Abrahamson checked dimensions and said it was fine. The Building Official talked with him more than just during inspections, and he never mentioned a problem. The building is almost done.

Commissioner Schneider asked if the old building was just a garage in the past which now functions as a tool shed.

Mr. Abrahamson said yes it is one solid building with a new roof replacement a few years ago.

THE CHAIR OPENED THE PUBLIC HEARING AT 8:22 P.M.

Bud Talcott

Mr. Talcott said he lives north of the applicant. He would like the Planning Commission to approve the variance because the applicant has used a portable screen house that is not as nice as this structure will be.

Mr. Clayton Michaels had signed a note to the City saying he has no problem with the building.

THE CHAIR CLOSED THE PUBLIC HEARING AT 8:24 P.M.

Commissioner Deziel said that the reworking of roads in area and the island that was created did create the need for the new pond immediately. That pond is right next door, and mosquitoes do breed there. He recommended that as a possible physical hardship. The screen porch is a response to the new City pond. The applicant made no complaint at all about its location. That should count for something.

Commissioner Ptacek said he sympathizes with applicant, but is concerned about precedent. He said that neighborhoods might have had covenants that were more restrictive but HOAs drop off and covenants go out the door. He observed that as a precedent the City could end up with a lot of different size tool sheds. He noted that that the Code Section 300.3.B, says "...a tool shed as defined." He said that means only one tool shed. He would support approving it at 160 square feet.

Commissioner Deziel recalled times where buildings were moved along in the construction process, in one form or another. He is concerned that the City could face some liability for it. The City granted the applicant a building permit.

The Planner said liability is not the Commission's concern.

Commissioner Van Pelt said he agrees with Commissioner Ptacek but finds it hard to ignore that the City seems partly culpable. When the applicant put together a design that he hoped conformed, the City did not perform our permit review responsibility completely.

Commissioner Sedro said the City should make sure all existing buildings are measured in the future. She said she goes along with the mosquito hardship because the City created the adjacent pond.

M/S/P, Deziel/Johnson, To recommend approval of the variance as a demonstrated hardship, the circumstances are unique and not entirely the fault of the homeowner and that approval will not essentially change the character of the neighborhood. **VOTE: 7:2 (Ptacek/Helwig).**

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: June 23, 2004 for the Meeting of June 28, 2004

Applicant: Carl & Judith Abrahamson

Location: 8061 Hill Trail North

Requested Action: Zoning Variance to Permit a Second Accessory Structure in the R-1 Zone

Land Use Plan Guiding: SRD (Single Family Residence District

Existing Zoning: R-1

Site History and Existing Conditions:

The site is a lot of 29,700 square feet on which is situated a single family home with a 2 car attached garage; an old garage/storage structure south of the house of approximately 210 square feet; and, a partially completed screen house, also south of the house, of 180 square feet.

City records are unclear as to when the house was originally constructed, but a major addition – including the 2 car attached garage – was constructed in 1978. Since then, there have been only the usual permits for roof and furnace replacement.

Discussion and Analysis:

A Building Permit was issued by the City for the 180 square foot screen house on May 4, 2004. The old storage structure (formerly a single car garage) was shown on the plat plan submitted for the screen house permit, but was not dimensioned on the plan. The Building Inspector that reviewed the plans indicates that he inquired as to the area of the storage structure. Based on that inquiry alone, the inspector determined that the storage structure was 160 square feet or less in size, and therefore qualified as a "Tool or Storage Shed". As such, the existing storage structure did not count in the total number of allowable accessory structures on a lot. (Section 300.13, Subd. 3B)

On or about June 10, 2004 the City received a complaint that a second accessory structure was being constructed at the applicants' address. It is not known whether the complainant was aware of the 160 square foot "Tool Shed" exception in the Zoning Ordinance, but an inspector was dispatched to measure the old garage to determine if it was 160 square feet or less - as was understood by the City at the time the building permit was issued for the screen house. In fact, the old garage actually measured at approximately 210 square feet. As such, it constituted an accessory structure; and, the screen porch under construction became a second accessory structure. The Building Official issued a "Stop Work" tag on the screen house project on June 11, 2004.

The applicant brought the matter to the attention of the City Council at the June 16 meeting. The Council agreed that the applicant's only recourses were to either apply for a variance to allow a "Tool Shed" of over 160 square feet; or, remove one of the accessory structures – which could still be a result - if the variance were denied. The City Council did agree to waive the variance

application fee under the circumstances of probable misunderstanding by the applicant, or the building inspector – or both.

Without question, the building inspector reviewing the applicant's plans should have insisted on written certification by the applicant regarding the size the existing storage structure rather than relying on verbal understandings – misunderstandings, as it has turned out. Verbal communications regarding a rather obscure zoning code provision such as the "Tool Shed Exemption" can easily lead to misunderstandings.

Findings and Recommendations:

Regardless of the circumstances leading to the variance application, the same Findings are required if a variance is to be approved - which, in sum, go to "hardship". Those required Findings may be addressed as follows in this case:

1. The applicant's property could be put to a reasonable use if used under the conditions allowed by the zoning code.
2. The circumstances of this case are unique to the property, and not entirely created by the landowner.
3. The variance, if granted will not change the essential character of the neighborhood.

Regardless of Finding #1, it could be found that a "hardship" exists in this case, even if not a typical "hardship". While this is not the first time a case such as this has surfaced, they are rare. No precedent will result, nor will the zoning ordinance suffer harm if the variance is approved. Staff recommends approval.

Planning Commission Actions Requested:

Motion to recommend approval of a variance to permit a existing building of approximately 210 square feet at 8061 Hill Trail to qualify as a "Tool Shed", and therefore be permitted in addition to the permitted number of accessory buildings, as provided by Section 300.13, Subd. 3B of the City Code based on a Finding that a hardship has been created not entirely of the applicant's own actions.

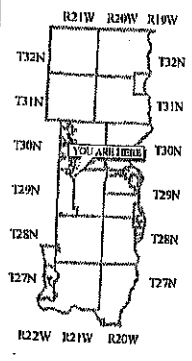


Charles E. Dillerud, City Planner

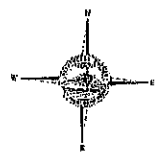
Attachments:

1. Location Map
2. Section 300.13 Excerpts
3. Applicants' Letter and Graphic

PROJECTED WATER'S 62-101 P



Vicinity Map



0 237
Scale in Feet

Location Map

This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.
Source: Washington County Surveyor's Office. Phone (861) 420-6676
Parcel data based on A9400 information

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

Subd. 3 Accessory Buildings and Structures:

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

1. **Storage or Tool Shed.** A one story accessory building of less than one hundred sixty (160) square feet gross area with a maximum roof height of twelve (12) feet and exterior colors or materials matching the principal structure or utilizing earthen tones. No door or other access opening in the storage or tool shed shall exceed twenty-eight (28) square feet in area.
2. **Detached Residential Garage.** A one-story accessory building used or intended for the storage of motor driven passenger vehicles regulated in Section 300.13, Subd. 4, with a maximum roof height of twenty (20) feet. No door or other access opening shall exceed fourteen (14) feet in height. The exterior color, design, and materials shall be similar to the principal structure.
3. **Detached Rural Storage Building.** A one story accessory building used or intended for the storage of hobby tools, garden equipment, workshop equipment, etc. Exterior materials shall match the principal structure in exterior color or be of an earthen tone. The gross area of the building shall not exceed one thousand (1,000) square feet in gross area on a parcel of between two (2) and ten (10) acres and not more than two thousand (2,000) square feet in gross area on a parcel of greater than ten (10) acres.
4. **Detached Domesticated Farm Animal Building.** A one story accessory building used or intended for the shelter of domestic farm animals and/or related feed or other farm animal supportive materials. The building shall require a Minnesota Pollution Control Agency feedlot permit and site and building plan approval and shall not exceed 2,000 square feet in gross area for a parcel between ten (10) and twenty (20) acres and not more than one-thousand (1000) square feet in gross area on a parcel of less than ten (10) acres.
5. **Agricultural Farm Building.** An accessory building used or intended for use on an active commercial food producing farm operation of more than twenty (20) acres. A Minnesota Pollution Control Agency permit may be required.

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

*Deleted
2002*

Carl and Judy Abrahamson
8061 Hill Trail North
Lake Elmo, MN.
(40 Year resident at present location)
(next to new storage/water garden/ mosquito pond)

Screen House

5/4/04 - Applied for and received building permit for construction of a 12'x15' screen house. Signed by Lake Elmo Building Official Karl Horning.

5/21/04 - Finished screen house and sidewalk cement forms. Inspected for proper placement of rebar and steel mesh. Signed by Lake Elmo Building Official Jim McNamara.

5/27/04 - Poured and finished 5 yds. Cemstone Cement for screenhouse and sidewalk.

5/27/04 - 6/11/04 Continued purchasing material and building screenhouse to it's 2/3 plus completed status.

6/11/04 - Jim McNamara posted 2 red notice signs on screen house to stop any further construction.

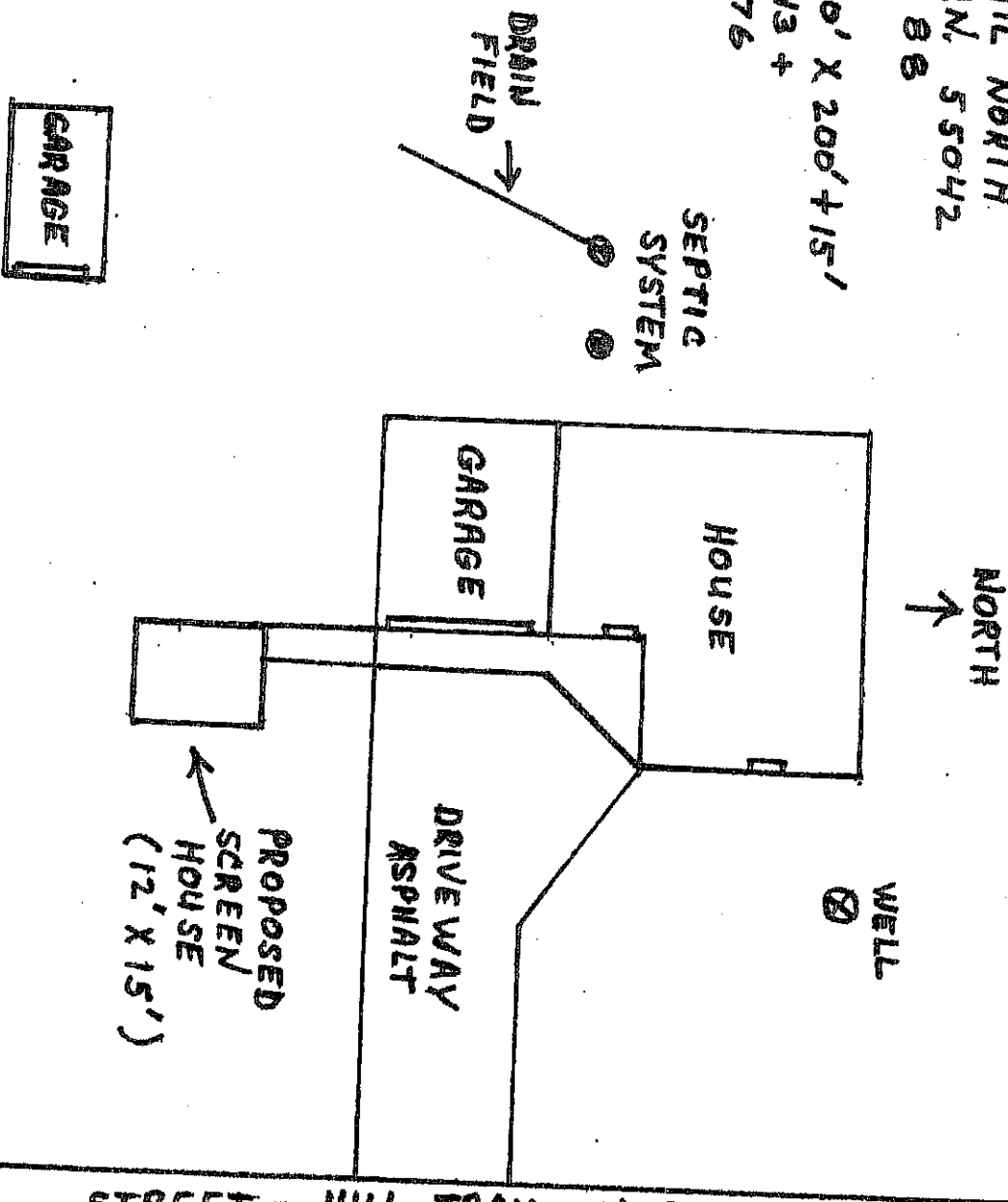
6/11/04 + - Judy and I went to the Lake Elmo Office and talk to Jim McNamara. (We were not home at the time the building was tagged) Most of his options did not meet with our approval. He did mention contacting council members . I called Dean Johnson and he agreed to bring up the subject at a meeting on Saturday morning. Dean called back Saturday afternoon to say that he had discussed the subject with Martin Rafferty and that I should meet with him on the following Monday at the Lake Elmo Office. Deans thoughts were that I was being treated unfairly and this was a Lake Elmo problem. He said that it sounded like that I had followed all the proper procedures. I drew up site drawing ,to scale, as I was requested to do when I called the building inspector. I applied for and received a building permit. The only thing asked of me was to make sure that I stay under 200 sq. ft.. This was confirmed by my dimensions on the application drawing.

At this point I believe the problem and the solution belong to the city of Lake Elmo. I have lost and continue to lose no mosquito build days for which the building was being erected. I've calculated that only 13% of my property is now impervious. I've checked with several of my neighbors and asked if they have any problem with building a screen house and all have said they have not. What they have said is "you should continue to build because you have a building permit" that was twice signed by Lake Elmo Building Officials. They commented that this is a good legal point.

I have presently over \$1500.00 in materials alone. Time and wages have yet to be determined. Please resolve this situation as promptly as possible.

CARL ABRAHAMSON
8061 HILL TRAIL NORTH
LAKE ELMO, MN. 55042
651-777-7688

LOT SIZE - 140' X 200' + 15'
LOTS - 337-343 +
370-376



STREET - HILL TRAIL NORTH

SCALE - 1" = 20'

RINDÉ DÉPÔT AD...

I have no
problem with the
building

Clayton Michaels
8066 Hill Top

Lake Elmo
City Council
July 6, 2004

Agenda Section: Planning, Land Use & Zoning

No. 9D

Agenda Item: OP Concept Plan – “Deer Glen” (Lakewood Church)

Background Information for July 6, 2004:

The Planning Commission conducted a Noticed Public Hearing on June 14 regarding this application to develop a 48 acre site (a portion of the applicants' 108 acre site) as an OP development of 18 single family detached lots and 25 acres of Preserved Open Space. Following the June 12 Hearing the Commission tabled the application to allow the applicant to address two technical Code non-compliance issues; and, to also address issues raised in the Valley Branch Watershed review regarding flood plain mitigation.

On June 28 the Planning Commission again considered the Concept Plan based on modifications by the applicant to resolve the non-compliance issues; and, based on further work by the applicant with Valley Branch on the flood plain issues. Valley Branch now advises that the plan could meet District policy regarding flood plain mitigation. Based on those Findings the Commission adopted a recommendation to approve the OP Concept Plan for “Deer Glen”.

The Commission's approval motion included a condition that would require the applicant to declare a planned use for the entire 108 acre site (of which the OP is but 48 acres). The applicant has stated to date that the northerly 40 acres of the 108 will remain vacant, and no use is planned at this time beyond the 48 acre OP and a 20 acre church site. Subsequently (as I advised the Commission might be the case), the City Attorney has advised Staff that this provision regarding lands not within the OP Concept Plan should not be attached to the Concept Plan approval Resolution.

Action items:

Motion to adopt Resolution #2004-⁰⁵⁵, approving the OP Concept Plan of “Deer Glen” per Plans Staff Dated June 23, 2004, as Recommended by the Planning Commission.

Person responsible:

City Planner 

Attachments:

1. Draft Resolution #2004-⁰⁵⁶
2. Draft Planning Commission Minutes of June 28 (available on July 6 – Not in this Packet)
3. Planning Commission Minutes of June 14, 2004
4. Staff memo of June 23
5. Planning Staff Report of June 9, 2004
6. Applicant's Documentation

Time Allocated:

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

RESOLUTION NO. 2004-055

**A RESOLUTION APPROVING THE OPEN SPACE CONCEPT PLAN FOR DEER GLEN
(Lakewood Evangelical Free Church)**

WHEREAS, at its June 14 and June 28, 2004 meetings, the Lake Elmo Planning Commission reviewed the Open Space Concept Plan for Deer Glen (Lakewood Evangelical Free Church), a 48 acre site with 18 single family detached lots and 25 acres of Preserved Open Space and recommended approval to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council does hereby approve and accept the Open Space Concept Plan for Deer Glen, located at the southwest corner of Highway 36 and Keats Avenue, for 18 single family detached lots, as the same as on file dated June 23, 2004, with the City Administrator based upon the following findings.

1. The application generally complies with the submission requirements for an OP Concept Plan prescribed by Section 300 of the City Code.
2. The site is within the Open Space Development Area designated by the Comprehensive Plan; and OP development is a Conditional Use in the existing RR zoning district.
3. The Concept Plan complies with the mathematical requirements of the OP Ordinance, and is eligible for 16 units per 40 acres of gross site area – 18 units, based on open space easements, and qualifying length of pedestrian trails.
4. The required amount of Preserved Open Space, as 50% of the buildable area of the site, is proposed for perpetual Open Space Easement.

ADOPTION, by the Lake Elmo City Council this 6th day of July, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Deer Glen Concept

~~CONFIDENTIAL~~

**City of Lake Elmo
PLANNING COMMISSION MEETING
Minutes of June 14, 2004**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.
COMMISSIONERS PRESENT: Meldahl, Van Pelt, Berg, Sessing, Sedro, Schneider, and Ptacek, (Deziel 7:04 p.m.).

Agenda

M/S/P, Berg, Sedro, To accept the Agenda as presented. VOTE: 8:0.

Minutes of May 24, 2004

M/S/P, Ptacek, Sessing, To accept the Minutes of May 24, 2004 as presented. VOTE: 8:0.

Public Hearing: Deer Glen, Lakewood Evangelical Free Church

The City Planner introduced the OP Concept Plan for a residential development located at the southwest corner of Highway 36 and Keats Avenue. He noted that this is the application for what will ultimately become a three-part approach to development of the 108.62 parent parcel, but that this Public Hearing addresses only the OP Concept Plan for 48 acres of the 108 acres.

(Enter Deziel, 7:04 pm)

The Planner said this OP Concept Plan is a 48 acre portion of the 108 acre site, depicted as Parcel A on the applicant's graphics. He further described Parcel C, as depicted on graphics by the applicant, as 40 acres parallel to Highway 36 with a large power easement, but no designated use; and, Parcel B as a 20 acre parcel that would become the church (PF) site which will be the next round of applications.

The Planner noted that review of the application revealed the following technical issues:

1. The Plan as presented fails to meet OP Standards. The area to the south must be buffered by the Plan at 200 feet, but the Plan shows only 100 feet of buffer.
2. Technically, in calculating open space requirements, 50% of BUILDABLE site area must be dedicated as Open Space Preserved. The applicants are about one acre short of Preserved Open Space in this plan since a deduction was not made for proposed Preserved Open Space that is not buildable.

The Planner noted that review by the Valley Branch Watershed District noted a number of depressions on the OP site where 100 year flood elevations are located across proposed lots and public streets. The Watershed District Engineer has questioned more detail as to how the applicant would mitigate this flood plain encroachment within Watershed flood plain alteration policy. He reported that the applicant and consultant have been alerted to the problems, and they have suggested they can deal with those problems.

The City Planner said the OP Ordinance requires three Findings in support before an approval recommendation can be made. He reported that the Concept Plan as shown is not in compliance with the OP Ordinance Standards.

The Planner said the Commission can recommend approval with numerous conditions, recommend denial based on the Findings, or ask the applicant to return in two weeks with a modification to their plan to address both the non-compliance with OP Standards and the flood plain issues raised by the Watershed.

Commissioner Sedro asked whether the state wants to limit access to Highway 36.

The Planner said Mn/DOT has planned changes to the access to Highway 36 through the entire City. He said that in the future, he expects an overpass over Highway 36 for Keats Avenue, and some of the other intersections. This will necessitate construction of parallel service roads in the future.

Commissioner Schneider asked how the 225 foot power easement affects the parcel.

The Planner answered that roads, landscaping, common waste treatment system, and farming are all allowed uses of the easement, but height of landscaping will be limited. The easement can be used as Preserved Open Space. He suggested that, in this case, the City's Policies support maintenance of view sheds and rural image along major roadways, and the power line easement has and will assisted in realizing those policies.

Commissioner Schneider asked if only the houses have to be outside the required OP buffer.

The Planner confirmed that to be the standard; and that could be difficult with some of the lots as shown if the correct 200 foot buffer is substituted along the south property line of the site.

Commissioner Van Pelt asked if the review of this 48 acre Concept Plan is preparatory to later reviews and applications.

The Planner said that is correct and that approval of an OP Concept Plan accords no rights to the land owner except to be eligible to apply for a Preliminary Plat and Development Stage Plan.

Commissioner Deziel asked about the proposed road. Would it be an easement or public road?

The Planner said the Developer builds the road, and dedicates it to the City.

Grant Nelson Representing Lakewood Church

Mr. Nelson introduced the people there who are working on this Concept Plan. He said that Paul Danielson of Kimley-Horn will address issues raised. Tom Dornack, Architect; Chuck Palmer of Lakewood; Ken Larson is former Church Chairman and a Lake Elmo resident for 24 years. Grant Nelson said he also lived in the city, and is aware of its values. He said their planning emphasizes Lake Elmo values.

Mr. Nelson said they purchased the land in 1997 with a desire to build a church. The ordinances in place did not address the situation, and it was not explained sufficiently at that time. Both parties are better prepared to go forward now. The applicants are here because they still want to build a church. They will be requesting PF Zoning for twenty acres in the future. They recognize the parcels are linked. They welcome discussions on all three parcels even though the application deals only with the residential component.

Mr. Nelson explained that Parcel B is 20 acres as PF zoning dictates, and would be the site of the church. The Plan locates the church in the center of the 108 acres to provide as much buffering as possible from adjoining properties. To the North is the power line easement and Highway 36. The topography of Parcel A is such that it slopes down to the South allowing for a walkout structure, keeping a lower profile, and keeping the land wooded to the South.

Mr. Nelson said they believe they can overcome the concerns in the reviews by outside agencies and City staff. They are not in the business of residential development, and will turn over that aspect of the overall plan to a competent real estate developer as soon as possible.

Mr. Nelson pointed out that they have no plans for Parcel C. They will leave it open and undeveloped, exactly how they like it. It is their front door for the church. Their proposal is not to change its status.

Mr. Nelson said they welcome insights and perspectives.

Paul Danielson, Kimley-Horn Associates

Mr. Danielson said he will deal with the issues of floodplain, setbacks, and OP calculations in the following manner:

1. The 200 feet on the south side will have to be revised; the easterly cul de sac will meet the buffering requirements of the code.
2. The westerly will have to be modified without much change except to move everything 50 feet to the north while allowing enough space for house pads.
3. Open Space area calculations did not take into account wetlands and steep slopes. Lots 1 and 2 on the west are wider than necessary and deeper than average in Block Two, and they can make up for the acreage change.

Mr. Danielson reported that he had several conversations with Valley Branch Engineer John Hanson and City Engineer Tom Prew. He said they have conceptually concurred with an approach to address the flood plain mitigation issues. He noted that as long as the water is stored on site, it is a grading exercise to create large enough pads and large enough water storage areas.

Commissioner Sedro asked that if Lot C is to be kept open, could it be put into a land trust?

Mr. Danielson said they plan to keep it the same way it now exists.

The Planner said that Parcel C is 40 acres in area, and is eligible for development. However, much is absorbed by the large utility easement.

Commissioner Sessing said the north side of the parcel would need a larger buffer if Parcel C is developed.

Commissioner Schneider asked why the plan did not call for a longer street connecting the two residential blocks instead of cul de sacs.

Mr. Danielson said they looked at alternatives, and this plan resulted in less impervious surface. The residential plan calls for two different villages of different character for each one. They looked at the easterly side of the parcel, and the potential connectivity to another road to the east.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:56 P.M.

Gary Retzer of 9901 69th St. Ct., said he lives across the street from the proposed development. He said he heard the church was turned down once. He sees other churches there, and wonders why they were turned down. He thinks the proposal goes with the neighborhood. He said it was a good idea about preserving the land through a trust. He noted that between the power lines and the freeway and DOT not giving access, he believes it will remain as it is now. The applicants should be allowed to use the land.

Joel Simkowski, 5415 Keats Ave., said that there are hiking trails in the back of the site. Now it is being shoved into a tin can. There will be more traffic onto Keats, more people, and more chances for accidents. These are rolling hills with low spots, and kids play splat ball there.

Jim Dyer 5435 Keats Ave., asked if the septic system would be shared.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:02 P.M.

The Planner said the septic system concept is a common treatment system, probably a constructed wetland that serves the church and the residential development together. A traffic study will be a requirement at the next stage. The study will forecast traffic volumes generated, peak traffic counts, and the impact of the proximity of Highway 36 to the access to Keats Avenue.

Chairman Helwig asked the applicants if they wanted to table, and continue in a couple of weeks.

Paul Danielson said he was hopeful that he had addressed those issues, and would like to move forward. He would prefer the Planning Commission recommend approval, with additional conditions of approval in order for it to move forward to the City Council.

M/S/P, Ptacek, Van Pelt, To table based upon the Staff Report in order for the applicant to address the issues of mathematics and engineering, and to recommend the applicant waive the statutory 60 day limit.
VOTE: 8:1 (Deziel).

The Planner said if the applicants agree, and can turn it around, staff will put it on the June 28 meeting agenda.

The applicants agreed.

Amending Uses in the GB Zoning District

The Planner said he received a letter requesting a new use in the Dolan Marine site. The site has had GB zoning for many years. The Council attempted to downzone to LB but ultimately did not. Instead the Planning Commission reviewed the Code. A moratorium was placed on those five or six sites still zoned GB but guided as LB in the Comprehensive Plan. The moratorium expired and the zoning was not changed. The applicant would like to use the building as an indoor family entertainment center. In review of GB permitted and conditional uses, no remotely similar use is currently allowed. Given the timeline of the new Zoning Ordinance, the Planning Commission should probably look at it. The Planner said he is not asking for action but for advice on whether to consider amending the uses in the General Business District, and as to whether to publish a hearing notice to amend the use.

Commissioner Ptacek asked if the site should remain GB or be rezoned to LB, and should this use be allowable in either LB or GB.

Commissioner Deziel said the use should not be allowed as Permitted. He said he sees it only as a Conditional use.

Commissioner Deziel noted that General Business was recommended in the past but the Council failed to approve it.

Commissioner Ptacek said the Dolan site should be zoned LB to be consistent with the Comprehensive Plan.

Commissioner Van Pelt pointed out that there were five parcels in the same situation, and that solution would fix only one of them. The parcel next door has changed hands as well. There is a narrower use criterion in LB.

Commissioner Ptacek said that an entertainment center as proposed is an intense use. He would want to see the application come before the Planning Commission as a CUP with traffic and septic impact studies.

Commissioner Sedro said the zoning can be looked at in terms of scale, but let the CUP dictate the scale, type and frequency of the entertainment activity.

The Planner said it should not be just the Dolan parcel, but the Zoning Code that the Commission is looking at. An amendment to either GB or LB to allow the use proposed would relate to every other LB or GB site in the City as well.

Commissioner Berg said we should rezone to be consistent with the Comprehensive Plan. The Dolan site should be zoned LB; and, this use considered in that context -- LB.

MEMO
(June 23, 2004)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: OP Concept Plan - "Deer Glen"

On June 14 the Planning Commission tabled this OP Concept Plan application to enable the applicant to address redesign of the plan to address three primary issues:

1. The Valley Branch Watershed District comments/observations regarding the possible impact of flood plain areas within the site on the OP Design. The applicant has met with the Valley Branch District Engineer to determine how the plan could be graded to mitigate the flood plain encroachments in an acceptable manner – not impacting the 100 Year flood elevation by filling flood plain areas on site, and maintaining at least a 2 foot house elevation above the 100 Year event elevation. A June 21 letter to the City from the Valley Branch District Engineer advises the City of the meeting and that filling/mitigation that the developer proposes by his June 16, 2004 revised plan would be permitted by the District – subject to home sites maintaining the required "free board" above the 100 Year flood elevations.
2. The applicant has revised the plan to result in the Preserved Open Space calculations attaining compliance with the OP Ordinance formula for Preserved Open Space. This plan revision is dated June 16, 2004.
3. The applicant has revised the Concept Plan to provide the required 200 foot buffer along the south periphery of the site to replace the non-compliant 100 foot buffer of the earlier plan. This plan revision is also dated June 16, 2004.

I have also attached a letter from the Minnesota Department of Transportation that provides brief commentary and permit requirements for the project. No traffic issues are raised by MnDOT. We will be submitting the plan to MnDOT again at the Development Stage/Preliminary Plat application, at which time the church facility – and, perhaps, the 40 acres as of yet undesignated use will be included in their review comments.

Based on the foregoing, staff suggests the following revised (from our June 9 Planning Staff Report) Findings regarding the Lakewood Evangelical Church OP Concept Plan:

1. The Concept Plan is generally consistent with the goals, objectives and policies of the Comprehensive Plan, as reflected by the Zoning Ordinance.
2. The Concept Plan is consistent with the purpose of the Open Space Preservation Ordinance.
3. The Concept Plan generally complies with the development standards of the Open Space Preservation Ordinance.

Based on the foregoing Findings Staff recommends approval of the OP Concept Plan of "Deer Glen" per the revised plan Staff dated June 23, 2004, subject to the following conditions:

1. The Development Stage/Preliminary Plat shall include, or be accompanied by a concurrent plat application that includes, dedication of the public roadway required to connect the OP to Keats Avenue.
2. A complete wetlands delineation shall be submitted with the Development Stage Application for review and approval of the Valley Branch Watershed District.
3. The Preliminary Plat shall include preliminary grading plans sufficient to determine final house elevations and the hydrologic calculations for any flood plain mitigation measures proposed.

It may be advisable – for the benefit of the applicant, staff, and the Commission – for the Commission to provide the applicant its position regarding the applicants proposed use designation of "Parcel C" as depicted on the OP Concept Plan. Staff has repeatedly advised the applicant that designation of the future use of Parcel C would be a staff recommendation, unless it is the applicant's intention to have Parcel C remain forever as undivided and undeveloped open space with a single residence. Should that use (undeveloped open space or farm land) be truly the intent of the applicant, that intent could be verified by the dedication of a Conservation Easement over the entire area of "Parcel C" that is not Public street right-of-way.

Attachments:

1. Draft Planning Commission Minutes of June 14, 2004
2. Valley Branch Watershed District letter of June 21, 2004
3. MnDOT Review letter of June 17, 2004
4. Applicant's Letter of June 23, 2004
5. Applicant's Revised Plan of June 16, 2004
6. Original Planning Staff Report of June 9, 2004.

LAKE ELMO PLANNING COMMISSION STAFF REPORT

Date: June 9, 2004 for the meeting of June 14, 2004

Applicant: Lakewood Evangelical Free Church

Location: Southeast corner of State Highway 36 and Keats Avenue

Requested Action: OP Concept Plan

Land Use Plan Guiding: RAD

Existing Zoning: RR

Site History and Existing Conditions:

The site of the specific application for OP Concept approval consists of 48.62 gross acres. It is important to understand, however, that this 48 acre OP site is but a portion of 108+ contiguous acres owned by the applicant. Since the OP review process entails three steps, while the review processes contemplated by the applicant for the balance of the 108 acre site entails but two steps, this application becomes but a part of an overall proposal. If for no other reason than the 48 acre OP site would be otherwise land-locked, it is not practical or realistic to detach the OP site from the overall 108 acre site. This Staff Report will repeatedly refer to the overall 108 acre site and plans to provide context for the specific 48 acre OP Concept Plan.

The 108 acre "parent" site is essentially divided into two distinct natural regimes. The north 60 acres of the site is gently rolling farm land containing several topographic depressions that will surely qualify as Jurisdiction Wetlands. The southerly 48 acres of the parent site – the subject of the OP Concept Plan application – is rolling in topography, and nearly 25% wooded, with several small topographic depressions that will be classified Jurisdictional Wetlands. An existing farmstead is located on the northerly portion of the 108 acre site adjacent to State Highway 36. The 225 foot wide power line easement crosses the entire west/east portion of the parent site.

The 108 acre site was the subject of concurrent applications for Comprehensive Plan Amendment ("OP" to "P"), and rezoning ("RR" to "P") that were reviewed by the City over a 5 month period in 1996 and 1997. Both applications were recommended for approval by the Planning Commission but subsequently denied by the City Council on a 5-0 vote. An amended application to reduce the size of the area subject to Plan amendment and rezoning from 108 acres to 29 acres was also denied by the City Council on a 4-0 vote. I have attached both Planning Commission and City Council Minutes relating to those 1996 applications to remind/advise Commissioners of issues raised then.

One of the issues prominent in the 1996 discussions regarding applications for this site was that of the potential scale of the church project coupled with sizeable portions of the site that remained undesignated as to future use, but proposed to be zoned "PF" – opening the possibility of even more church expansion in the future. The 1997 attempt to amend the application for "P" Plan and "P" zoning from 108 acres to 29 acres following the initial denial was obviously a response by the applicant to that issue. A second response to 1996/1997 case involving this site – this time by the City – was a lengthy (and often contentious) undertaking to amend the PF section of the zoning ordinance. A major feature of that ordinance amendment, as adopted in 2000, limits the area of any new PF zoned parcel to 20 acres. That was/is a strategy to limit the scale of any PF use (be it a church, or school, or government site). To date, there have been no circumstances where the new PF standards have been applied. That ordinance clause does, however, bear on the overall proposal for the 108 acre site.

Discussion and Analysis:

The applicant proposes an OP Concept Plan to develop 18 single family detached lots on a site of 48.62 gross acres – of which 46.81 acres is “Buildable” (with the balance as wetlands and steep slopes). The required Preserved Open Space is 23.41 acres. The applicant reports the Concept Plan depicts 24.07 acres of Preserved Open Space in three parcels separated only by roadway. The applicants plan notes do not, however, report whether the 24.07 acres is all Buildable”, as is a requirement. If wetlands and steep slopes existing in the Preserved Open Space need to be deducted from the reported 24.07 Open Space acreage, the net will be somewhat short of the required 23.41 acres.

Open Space standards provide that at least 60% of the Preserved Open Space be in parcels of at least 10 acres. If parcel contiguity for the purposes of this standard is assumed where only road crossings divide Preserved Open Space parcels, the proposed Concept complies with the 60% standard. If however, intervening road right-of-way is assumed to divide the open space for the purpose of this standard, it appears that the Plan is somewhat short of 60% in parcels of over 10 acres – of which there is but one.

The foregoing observations regarding Preserved Open Space calculations are based on rough measurements, not planimeter accuracy. Since the apparent disparities are minor, adjustments can be made relatively easily at Development Stage.

The Concept Plan proposes a 200 foot OP buffer setback for structures along the west property border, but a 100 foot structure buffer along the south and east property border. The reduced structure buffer is responsive to the alternative buffering (to the 200 foot standard) the OP standards permit where both other visual impact mitigation measures are utilized; and, where the adjoining property is eligible for OP development. The adjoining parcel to the east is 66 acres in area, and thus qualifies as an OP site by exceeding 40 acres. The adjoining parcel to the south, however, is slightly less than 20 acres in area, and does not qualify for OP development. The south property line of the OP site does not qualify for the 100 foot structure setback without variance. The proposed 100 foot east structure setback may qualify, depending on the year round visual efficacy of the existing tree line. The applicant should demonstrate that structure screening efficacy with the OP Development Stage documentation.

Copies of OP Concept Plan graphics are submitted by the City to “outside” reviewing agencies for comment even though the level of detail at Concept Stage is generally insufficient for complete reviews by those agencies. In fact, in many cases, we receive no response at all at the Concept Stage. We have, in this case, received a detailed response from the Valley Branch Watershed District which is attached. The District’s Engineer has identified conflicts with flood plain elevations on 11 of the 18 proposed lots; and, with a portion of the proposed street system. Staff has discussed these observations with applicant’s representatives, who advise that they believe that site grading and varying house design can overcome most of the observed flood plain problems. That may be possible, but we do not know that for certain at this time.

I have also attached the 1996 MnDOT review of the former use proposal for the 108 acre site – no MnDOT review has as yet been received on the 2004 application. Many of the issues raised by MnDOT regarding the overall 108 acre site in 1996 remain valid in 2004 – even considering the differences between the two plans for the site.

Even though there is no formal application at this point that involves the balance of the 108 acre site, (at a minimum) access to the OP site is dependent on the plan for the overall 108 acres. There may well be other interdependencies as well – even more than now obvious, depending on the outcomes of the flood plain issues within the OP site that are noted above. The applicant has met with staff on several occasions over the past year regarding the overall site. During those meetings the applicant has indicated repeatedly that their primary goal is today as it was in 1996 – construction of a church. Any other use of the 108 acres becomes financially supportive of the church mission, but secondary as development priority.

The overall 108 acre site is proposed by the applicant to be addressed as three components: 1.) The 48+ acre OP residential site that is the subject of this OP Concept Plan; 2.) A 20 acre site for a church facility – the maximum size PF site per current PF standards; and, 3.) A 40 acre “remnant” parcel (adjacent to and paralleling State Highway 36) for which no end use is specified. During the meetings with staff over the past year the applicant and its consultants have been advised repeatedly that it would be the position of staff that the entire 108 acres must be addressed as to end use concurrently with any applications for use approvals on any portion. It appears this was an issue in 1996 as well. Staff continues to believe this to be the only posture the City should take regarding this 108 acre site.

Findings and Recommendations:

Based on the foregoing, staff suggests the following Findings regarding the Lakewood Evangelical Church OP Concept Plan:

1. The Concept Plan may not be consistent with the goals, objectives and policies of the Comprehensive Plan, as reflected by the Zoning Ordinance, with respect to flood plain development and/or alteration.
2. The Concept Plan is consistent with the purpose of the Open Space Preservation Ordinance.
3. The Concept Plan fails to comply with the development standards of the Open Space Preservation Ordinance with respect to structure buffering to the south; and, quantity of “buildable” Preserved Open Space.

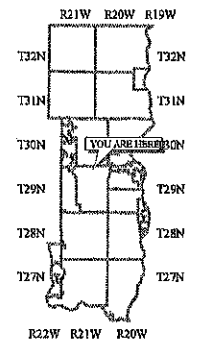
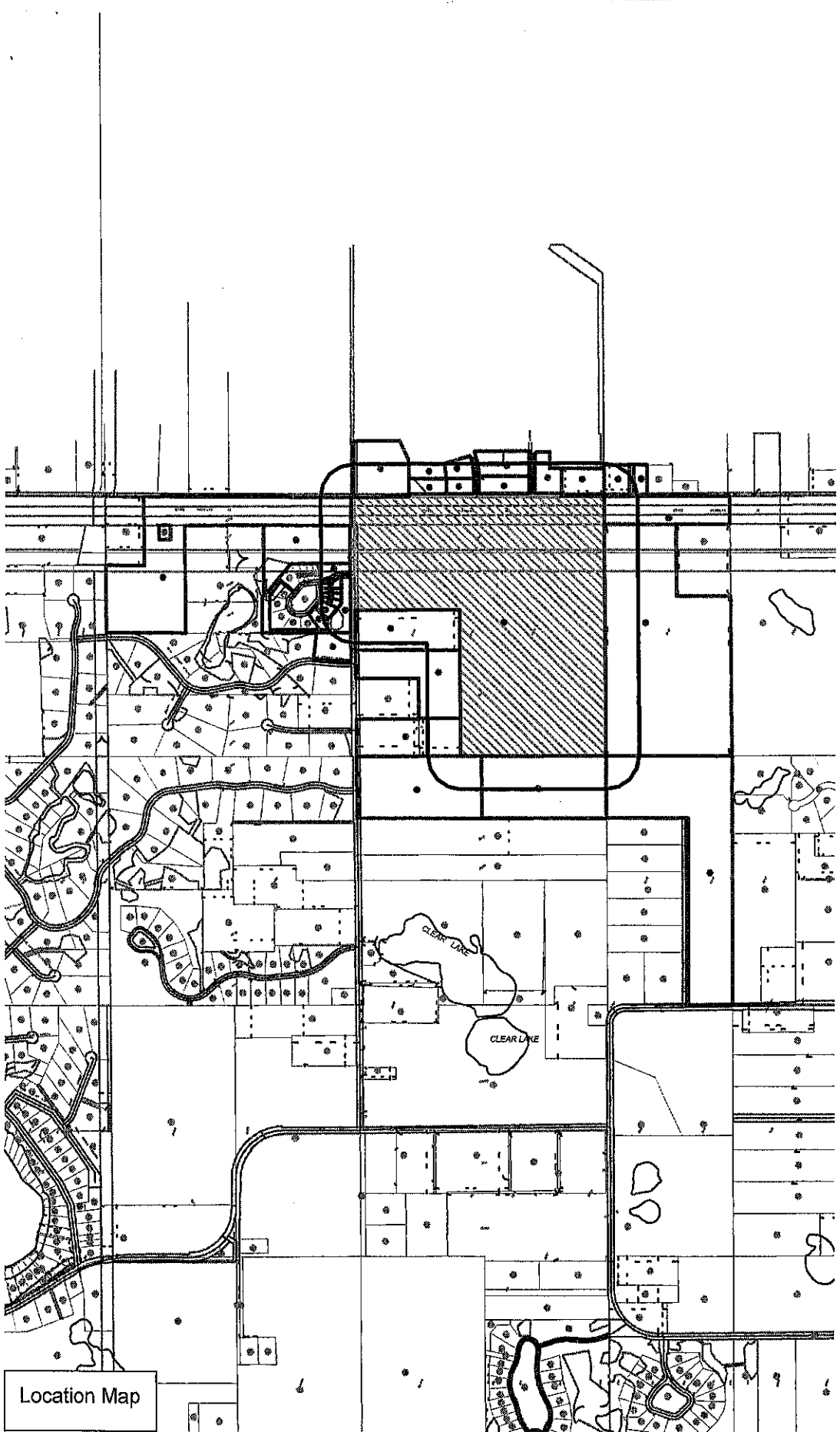
Planning Commission Actions Requested:

Based on the Finding suggested, the Commission could adopt a Motion to deny the Concept Plan. Perhaps, however, a better strategy may be to table the application to allow the applicant to consider the issues raised here; and, amend the Concept Plan accordingly. If the tabling action is taken, the applicant must agree to waive the City’s 60 day Statutory review period and the 30 day Planning Commission OP Concept Plan review period provided by Ordinance.

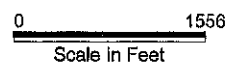
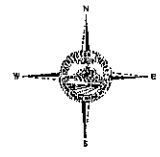
Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. Valley Branch and City Engineer 2004 Review memos
3. MnDOT 1996 Review Letter
4. 1996/1997 Commission and Council Minutes
5. Applicant’ Documentation and Graphics



Vicinity Map



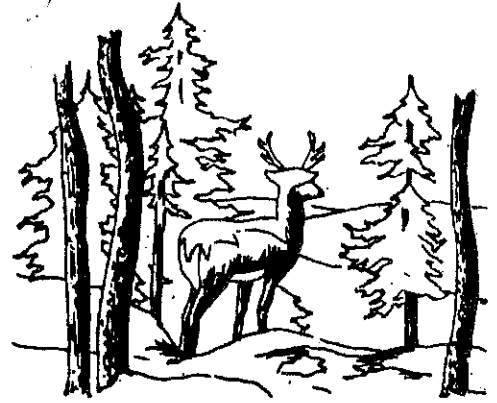
This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office. Phone (651) 435-8875

Parcel data based on A8400 Information

RECEIVED
JUN 02 2004

*Copy to Chuck Palmer
then back
[Signature]*



June 1, 2004

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

Re: Lakewood Evangelical Free Church, OP Development/Concept Plan Submittal

Dear Mr. Dillerud:

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

Background & Floodplain Issues

The project site almost entirely lies within the Goetschel Pond subwatershed. The Goetschel Pond subwatershed consists of over 40 small depressions, including several wetlands, which are landlocked or semi-landlocked. In 1995, the VBWD was asked by the developer of the Fields of St. Croix subdivision to investigate lowering the Goetschel Pond 100-year flood level from the level published in the VBWD's 1995 Water Management Plan. The VBWD re-calculated the 100-year flood level of Goetschel Pond and all of the upstream depressions using the VBWD's simplified method and the VBWD's 1993 two-foot topography. (See VBWD Rules, Section V, Subd. 3 for a description of the VBWD's simplified method for calculating 100-year flood levels of landlocked basins.) Based on the elevations determined in the 1995 study, much of the southwestern portion of the Lakewood Evangelical Free Church site is in a 100-year floodplain. The 100-year floodplains of these depressions were determined to be their runout elevations in the 1995 study. Specifically, the following areas appear to be within floodplains:

- Lots 6-8 and 10-15 appear to be within a 100-year floodplain of a depression, which appears to have a runout elevation of approximately Elevation 969;
- The proposed east-west road between the proposed church and residential lots also appears to be within a 100-year floodplain of a depression, which appears to have a runout elevation of approximately Elevation 975;
- Lots 16 and 17 also appear to be within a 100-year floodplain of a depression located mostly off the site to the east. The runout elevation of this depression appears to be approximately 968.

The enclosed figure shows the approximate 100-year floodplains.

The VBWD requires that all homes be constructed so that their minimum floor elevations are at least two feet above the adjacent water body's 100-year flood level. The VBWD also limits the amount of fill that can be placed within a floodplain.

DAVID BUCHECK LINCOLN FETCHER DONALD SCHEEL DALE BORASH DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT
P.O. BOX 838

LAKE ELMO, MINNESOTA 55042-0538



Based on the current 100-year floodplains and VBWD regulations, it appears that several lots in the proposed development are unbuildable.

Water Quality

No stormwater runoff treatment is shown on the plans. The project will need to incorporate stormwater runoff water quality treatment measures into the design. Conceptual locations are discussed in the Kimley-Horn and Associates May 13, 2004 letter.

Water Quantity

Because the site drains to landlocked or semi-landlocked basins, it is important that features that will minimize the increase in stormwater runoff volumes be incorporated into the site design. Practices that will reduce the amount of impervious surfaces and encourage infiltration must be considered, including the following:

- Reducing the number of parking stalls to the minimum required by the City
- Constructing the size of the parking stalls to the minimum size required by the City
- Dimensioning 30% of the parking stalls for compact cars only
- Constructing infiltration islands in the parking lot (possibly perpendicular to the parking stalls, see Parking Lot Design Fact Sheet)
- Using vegetative roof systems
- Constructing the site so that compaction in pervious areas is prevented
- Requiring that soils be loosened to a depth of 24-inches to a maximum compaction of 85% standard proctor density and tilling the upper 10 inches of soils prior to planting
- Directing roof drains to pervious areas
- Using pervious areas for snow storage
- Planting trees that at maturity will canopy over the impervious surfaces
- Planting deep-rooted trees, shrubs, wildflowers, and grasses in at least 25% of the project's green space
- Constructing the low-volume residential roads to a maximum width of 22 feet when parking is allowed on one side and 28 feet when parking is allowed on both sides (see Street Design Fact Sheet)
- Constructing the cul-de-sac and turnaround with less impervious surfaces (see Cul-de-Sac Design Fact Sheet)
- Requiring that long driveways be narrowed to a single lane (around 11 feet wide) as they approach the street
- Keeping the proposed trails as narrow as practical, and consider using porous pavement. Because over a mile of trails are proposed, reducing the width by just a small amount could reduce the amount of impervious surface by a fair amount.

Wetland Issues

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

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

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

As indicated in the Kimley-Horn and Associates letter, the VBWD has approved the wetland delineations conducted on the site.

Erosion Issues

Steep slopes are scattered around the site. The conceptual location of some of the trails and roads run through these steep slopes, which can cause more erosion than a typical site. Anticipating the construction procedures will be important in developing an adequate erosion control plan.

Permit Requirements

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

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

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

Sincerely,



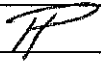
John P. Hanson, P.E.
BARR ENGINEERING COMPANY
Engineers for the Valley Branch Watershed District

c: David Bucheck, VBWD President
Paul Danielson, Kimley-Horn and Associates, Inc.

*Pay to Chuck Polomey
& other bills*



MEMORANDUM

To: Planning Commission Members **Reference:** Concept Plan Review
Copies To: _____ Lakewood Evangelical Free Church
_____ City of Lake Elmo, Minnesota
From: Thomas D. Prew, P. E.  **Comm. No.** 11979-041
Date: June 1, 2004 **Routing:** _____

I have reviewed the Concept Plan submittal dated May 13, 2004, and have the following comments:

Streets

A traffic model should be developed and reviewed. The impact of closing the intersection of TH 36 should be reviewed.

Depending on the traffic volumes, a roundabout might be appropriate at the intersection of Keats and 59th Street.

The eastern cul-de-sac should be a City standard island style.

The intersection of the church driveway and the street is awkward and should be changed to a more conventional right angle.

A second driveway entrance to the church should be built for emergency purposes.

The street section east of the easterly cul-de-sac should only be graded in, not paved.

Waste Water System

A wetland treatment system is proposed to treat waste from the entire development. A property owners association will be responsible for the operation and maintenance of the system.

Water System

The church is planning a system to take care of both domestic and fire suppression needs. Each home is to have its own well. I would recommend that the developer look into the feasibility of extending water service from the church to the home sites in order to reduce the number of wells that are needed.

Trails

This trail plan should be reviewed in conjunction with the City's new Trail System Plan which is now being prepared.

I would recommend that a trail be extended to the south end of the easterly cul-de-sac.

Surface Water

No ponding was shown on this concept plan.

A VBWD Permit will be required.



Minnesota Department of Transportation

Metropolitan Division
Waters Edge
1500 West County Road B2
Roseville, MN 55113

November 8, 1996

RECEIVED

NOV 15 1996

CITY OF LAKE ELMO

Ann Pung-Terwedo
City of Lake Elmo
3800 Laverne Ave North
Lake Elmo, MN 55042

Dear Ann Pung-Terwedo:

Subject: Lakewood Evangelical Free Church
Site Plan Review S96-080
Southeast Quadrant of TH 36 and Keats Ave North
Lake Elmo, Washington County
CS 8204

The Minnesota Department of Transportation (Mn/DOT) has reviewed the Lakewood Evangelical Free Church site plan. We find the plan acceptable for further development with consideration of the following comments.

- The proposed development may create the need for improvements on the highway system. However, we are unable to make a determination based on only the submitted material. Forecasts of development-generated traffic are needed to determine the project's impact on Trunk Highway (TH) 36's intersection with Keats Ave North. We request that the city or the project proposer provide pre-development and post-development traffic volumes for these intersections, including turning movements. Improvements that are necessitated by specific development proposals are the responsibility of the project proposer, the city, or both. This information may be forwarded to Local Government Liaison Supervisor Sherry Narusiewicz at the above address.
- In the long run, TH 36 is planned to be converted to a limited-access freeway. As you know, Mn/DOT joined with Ramsey and Washington Counties and municipalities along TH 36 to develop an access management plan for the corridor, identifying the future points of full and partial access to the proposed freeway. The long-range plan calls for Keats Ave North to have no access to TH 36. Interchanges are to be located at Lake Elmo Ave North and at a new street between Jarvis Ave and DeMontreville Trail.

Conversion of TH 36 to a freeway is not expected to occur within the next twenty years. In the next six months, Mn/DOT and Washington County intend to begin a study which will examine the future layout of the freeway and its connections to cross-streets. The study will allow us to develop an Official Map for the corridor, and to begin to preserve right-of-way.

An equal opportunity employer

Ann Pung-Terwedo
November 8, 1996
page two

If improvements will be needed at the Keats Ave North/ TH 36 intersection in the short term, the nature of the improvements must be evaluated in light of the long-range plan to close this intersection. Our upcoming study would be the appropriate forum in which to discuss this further. Mark Krebsbach of our Transportation Planning Section may be contacted at 582-1115.

- Additional right-of-way along the south side of TH 36 is likely to be needed for a frontage road. Development of a frontage road could occur when TH 36 is converted to a freeway, or sooner if it is needed as an interim improvement. We ask that the church plan no permanent structures immediately adjacent to the highway right-of-way.
- We also request that control over access to the highway be dedicated to the public at the location of the existing residential driveway on the site. Dedication of access control will bring us one-step closer to the more efficient and safe freeway design. Access control may be dedicated by quit claim deed forwarded to Harold Larson of our Right of Way Section at the above address.
- A Mn/DOT stormwater drainage permit may be required for this development. Grading and drainage plans showing both existing conditions and proposed post-development conditions must be submitted to Mn/DOT for review prior to construction. These may be directed to Keith VanWagner of our Water Resources Section at 3485 Hadley Ave North, Oakdale 55128. Questions about Mn/DOT's drainage concerns may be directed to Mr. Van Wagner at 779-5056.
- Mn/DOT's policy is to assist local governments in promoting compatibility between land use and highways. Noise-sensitive land uses -- such as churches -- adjacent to highways often result in complaints about traffic noise. Traffic noise from TH 36 could exceed noise standards established by the Minnesota Pollution Control Agency, the U.S. Dept. of Housing and Urban Development, and the U.S. Dept. Of Transportation.

Mn/DOT policy regarding new developments adjacent to existing highways prohibits the expenditure of highway funds for noise mitigation measures. The project proposer should assess the noise situation and take the action deemed necessary to minimize the impact of any highway noise.

If you have any questions regarding this review, please contact me at 582-1383.

Sincerely,


Elizabeth Malaby
Transportation Planner

c: Ms. Diane Sessing
Sandy Cullen, Washington Co. Transportation Engineer

He in File Gen 6/08
ed

June 21, 2004

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

Re: Lakewood Evangelical Free Church, OP Development/Concept Plan Submittal

Dear Mr. Dillerud:

On June 21, 2004, Paul Danielson of Kimley-Horn and Associates met with me to discuss floodplain issues on the concept plan for the Lakewood Evangelical Free Church. As you probably recall, my June 1, 2004 letter to you discussed several floodplain issues and concluded that with the existing topography, several of the southern and southwestern lots would be unbuildable. At our meeting, Mr. Danielson reviewed his concept *Existing Conditions and Environment Restoration Plan (6/16/04)* with me. The plans show filling within the existing 100-year floodplains and mitigating for the fill by excavating flood storage volumes. In concept, this approach is allowed by the Valley Branch Watershed District (VBWD) rules and regulations, and would allow homes to be constructed on the lots that conform to the VBWD's minimum floor elevation rules.

As noted in my June 1, 2004 letter, the proposed project will require a permit from the VBWD. The landowner must submit a complete permit application packet to me. Permit application material can be obtained from the VBWD's website, www.vbwd.org, or from me. Once a complete VBWD permit application is submitted, I will review the project for conformance to the VBWD's rules and regulations, including:

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

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

Sincerely,

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

c: David Bucheck, VBWD President
Paul Danielson, Kimley-Horn and Associates, Inc.

DAVID BUCHECK LINCOLN FETCHER DONALD SCHEEL DALE BORASH DUANE JOHNSON



Minnesota Department of Transportation

Metropolitan Division

Waters Edge
1500 West County Road B2
Roseville, MN 55113

RECEIVED
JUN 18 2004

June 17, 2004

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

SUBJECT: Lakewood Evangelical Free Church
Mn/DOT Review #S04-046
SW Quad of TH 36 and Keats Avenue
Control Section 8204

Dear Mr. Dillerud:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above site plan and has the following comments:

- A Mn/DOT Drainage permit may be required. The proposed development will need to maintain existing drainage rates. An increase of stormwater rate of run-off to Mn/DOT right-of-way is prohibited. The City or project developer will need to submit before/after hydraulic computations for both 10 and 100 year rainfall events verifying that all existing drainage patterns and systems affecting Mn/DOT right of way will be perpetuated. This will need to be reviewed in order to determine whether a drainage permit will be required. Please direct questions concerning these issues to Steve Christianson (651-634-2415) of Mn/DOT's Water Resources section.
- Any use of or work within Mn/DOT right of way requires a permit. Please direct questions regarding permit applications to Keith Van Wagner (651-582-1443) of Mn/DOT's Permits section.

As a reminder, please address all initial future correspondence for development activity such as plats and site plans to:

Development Review Coordinator
Mn/DOT - Metro Division
Waters Edge
1500 West County Road B-2
Roseville, Minnesota 55113

Mn/DOT document submittal guidelines require three (3) complete copies of plats and two (2) copies of other review documents including site plans. Failure to

provide three (3) copies of a plat and/or two (2) copies of other review documents will make a submittal incomplete and delay Mn/DOT's review and response to development proposals. We appreciate your anticipated cooperation in providing the necessary number of copies, as this will prevent us from having to delay and/or return incomplete submittals.

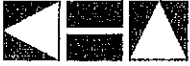
If you have any questions concerning this review please feel free to contact me at (651) 634-2083

Sincerely,

A handwritten signature in black ink, appearing to read "Juanita Voigt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Juanita Voigt
Transportation Planner Intermediate

Copy: Wayne Sandberg / Washington County
Joe Lux / Washington County
Paul B. Danielson, P.E., Kimley-Horn & Assoc.
Gary Ehret, Kimley-Horn & Assoc.



Kimley-Horn
and Associates, Inc.

■
Suite 345N
2550 University Avenue West
St. Paul, Minnesota
55114

June 23, 2004

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

Re: Lakewood Evangelical Free Church
"Deer Glen" OP Development/Concept Plan Submittal

Dear Mr. Dillerud:

On behalf of the Lakewood Evangelical Free Church (LEFC), Kimley-Horn and Associates, Inc. (KHA) is resubmitting information on the OP Development/Concept Plan on the proposed "Deer Glen" development for your review and approval. At the Lake Elmo Planning Commission meeting, three items were identified that needed to be addressed to move the project forward. This resubmittal addresses those items. I will briefly outline the changes for each item.

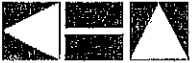
1) Floodplain Impacts

The Valley Branch Watershed District (VBWD) had reviewed the initial concept plan and had identified several residential lots that were impacted by the current floodplain storage on the site. I met with John Hanson, VBWD Engineer, and reviewed the revised plan with him. The revised existing conditions/resource inventory plan now shows areas that we are proposing fill within the existing floodplain storage areas. In addition, the plan shows a floodplain mitigation area sufficient to replace the fill within the current floodplain area. While detailed engineering has not been done for the site, we believe we have sufficiently demonstrated to the VBWD that we can easily provide the necessary floodplain storage for this site. John Hanson has forwarded a letter to you indicating conceptual concurrence with our method to address the issues raised in his previous letter.

2) South Buffer

Our initial concept plan submittal showed a 100-foot buffer setback from the south property line. Based on review comments from the City, it was determined that in order to comply with the OP Development zoning ordinance, a 200-foot

■
TEL 651 645 4197
FAX 651 645 5116



buffer setback is required. This additional setback only impacts the westerly cul-de-sac. The concept site plan has been revised by pushing the westerly cul-de-sac north approximately 50 feet to provide sufficient building pad area while meeting minimum lot requirements.

3) Open Space Area requirements

Based on comments received by the City, it was determined that the initial submittal did not have sufficient open space area in accordance with the OP zoning ordinance. We have revised the open space area to meet the ordinance requirements. The open space calculation assumes 50 percent of the buildable area (23.41 acres) plus the steep slope and wetland areas within the proposed open space (1.48 acres) for a total open space requirement of 24.89 acres. The revised plan shows a total of 25.0 acres of proposed open space. This additional area was provided by minor lot revisions to Lots 1, 2, 4, 5, 6, 13 and 18.

As you requested, I have provided 3 copies of the full-size plans for the site (existing condition/resource inventory, development /concept plan, and landscape plan) along with one 11x17 copy of each plan. We believe the revised plans address the issues requested to be addressed at the Planning Commission meeting. We look forward to a favorable action at the June 28th Planning Commission and moving the project forward to the City Council on July 6th. If you have any questions or need additional information, please contact me at 651-643-0407.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Paul B. Danielson".

Paul B. Danielson, P.E.
Project Manager

C: Chuck Palmer, LEFC
Tom Dornack, BWBR Architects
Gary Ehret, Kimley-Horn and Associates
File No. 160502006.2.001



Kimley-Horn
and Associates, Inc.

RECEIVED

MAY 14 2004

File Copy
KAS

■
Suite 345N
2550 University Avenue West
St. Paul, Minnesota
55114

May 13, 2004

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

Re: Lakewood Evangelical Free Church
OP Development/Concept Plan Submittal

Dear Mr. Dillerud:

On behalf of the Lakewood Evangelical Free Church (LEFC), Kimley-Horn and Associates, Inc. (KHA) is submitting an OP Development/ Concept Plan for your review and approval. LEFC owns 108 acres of property within the City of Lake Elmo. The property is "L-shaped" bounded by Trunk Highway (TH) 36 on the north, Keats Avenue on the west, and rural residential (but largely undeveloped) on the east and south. A portion of the west property abuts rural residential developed lots.

The OP Development/Concept Plan shows the entire 108.62 acres and is divided into three parcels. Parcel A is a 20 acre parcel that we are requesting a rezoning from the current rural residential (RR) to public facility (PF). The LEFC building would be constructed on this parcel. Lake Elmo City zoning ordinances provide that a church is a permitted use within the PF zoning, and will be in the form of a conditional use permit (CUP) concurrent with a zoning change. Parcel B is a 48.62 acre parcel that we are requesting a CUP for an OP development within the current RR zoning. Parcel C is a 40 acre parcel that we are requesting be maintained at the current RR zoning with the existing farmhouse to remain.

We have provided the following information for each parcel below:

Parcel A

Once the concept plan is approved, LEFC intends to submit a preliminary plat application for Parcel A. The application will request a rezoning to PF along with the approval of a CUP for the construction of a 650-seat sanctuary facility with approximately 50,000 square feet of total floor area on two levels. The PF zoning requires a minimum of one parking space per 4 seats (Chapter 3, Section



300.07.4M Subd 5.b1). This would equate to 150 parking stalls. However, based on existing use at their current facilities and other church facilities completed in the Twin Cities area over the past several years, a parking ratio close to 1 space per 2 seats is proposed. We have shown a total of 290 parking stalls.

According to the zoning code, a parcel area of up to 20 acres is required to have a buffer width of 150 feet and a maximum impervious site coverage of 35 percent (Chapter 3, Section 300.07.4M Subd 4). Section 300.07.4M Subd 5.d indicates that the buffer is not applied to property lines abutting public streets. Therefore, the 150-foot buffer is shown on the east side of the property. The north side of the property abuts a 225-foot wide transmission easement and therefore no structures can be placed in that area. Because of this, the proposed church conceptual layout shows a 10-foot parking setback (Section 300.13 Subd 6.A.10.d and e). The south and west sides of the church parcel abut public streets and a 20-foot parking setback is shown in those areas.

The conceptual site plan identifies landscape islands within the parking area to accommodate the potential design of a rainwater garden as well as meet the requirements of Section 300.13 Subd 6.B.6.a related to a minimum landscape area of 10 percent of the interior parking space.

We have included conceptual elevations of the proposed church facility to provide a flavor of the architecture considered for this building.

Parcel B

Parcel B is proposed to be developed as an OP residential development. Parcel B has 46.81 net buildable acres (gross area less wetlands less slopes greater than 25 percent). Of this net area, 51 percent is proposed to be designated as preserved open space (meeting the requirement of a minimum of 50 percent identified in Section 300.06 Subd 1.B). Based on a density of 16 units per 40 acres, the conceptual plan identifies 18 residential lots (46.81 acres/2.5 units per acre equals 18.72 units).

The plan reflects a buffer zone on the west property of 200 feet in accordance with Section 300.06 Subd 2.E.1. A buffer zone of 100 feet is shown on the south and east property line since the proposed OP development abuts lands that could be eligible for future OP development (Again in accordance with the above reference code). The north boundary abuts a public street. The boundary of Parcel B connects all the way over to Keats Avenue to provide the opportunity for an internal trail system to connect from the development to Keats Avenue.



The residential development will consist of two "villages". It is the intention of the development that each village will have a different architectural character. The homes will be 3-4 bedroom homes consistent in the style and size of other homes currently being constructed within the City of Lake Elmo.

Parcel C

Parcel C is proposed to remain as is with the existing farmhouse on the parcel. This parcel will be bisected by the public street connecting from Keats Avenue to the church parcel then continuing on to Parcel B. The roadway is designed to allow the extension to the east if Mn/DOT and the City of Lake Elmo desired a frontage road to parallel TH 36 and to form an intersection with the residential road west of Keats Avenue.

Other Issues

Wastewater System

Parcel A and B will be served by a community wastewater system. North American Wetland Engineering, P.A. (NAWE) performed field investigation to determine the applicability of the use of a community wastewater system. The design flow was based on two factors: a residential component assuming the 18 lots in Parcel B plus the church facility for Parcel A. It was assumed for a preliminary basis to utilize the maximum flow allowed by code (Section 300.07.4M Subd 2.b.2 and 3) of 5,000 gallons per day. The system also assumed the potential of use from Parcel C for land sizing purposes only. The recommended wastewater treatment system is a vertical flow wetland with infiltration beds. An equalization tank is also recommended to reduce the variable loading from the church due to cyclical use of the facility. Disposal will be handled through an at-grade infiltration bed system.

Water System

LEFC will be served by a water well to provide domestic and fire protection. A storage tank will be required to provide sufficient fire protection storage for a sprinkler system. The residential development will be supplied by individual wells.

Storm Sewer

The overall site comprises 10 small wetland areas. These areas were delineated by NAWE in October 2003 and have been agreed upon with the Valley Branch Watershed District. Storm water will be treated prior to any discharge to the



existing wetlands. It is anticipated that the church will have a storm water treatment pond in the southwest and northeast corner of the site. In addition to these ponds, there is the possibility to design a rainwater garden to treat water from the parking lot area prior to discharge. This information will be developed during the preliminary design stage.

Homeowner's Association

It is the intention of LEFC to have a homeowner's association (HOA) developed that would be responsible for the preserved open space identified in Parcel B. Further the HOA will be responsible to enforce architectural guidelines for the residential development. The HOA will be responsible in perpetuity for the maintenance, repairs and replacement of the open space and community septic system. The HOA will have a set of architectural guidelines that will consider building materials, common architectural themes, ancillary structures, landscape guidelines, etc to ensure that this development will be a jewel within the City of Lake Elmo.

Staging Plan

It is the intention of LEFC to commence construction in spring 2005 with completion within one year. Concurrent with the church construction, it is anticipated that the westerly "village" of residential homes within Parcel B will be developed in 2005 with the easterly "village" completed by 2007.

Historical Preservation Plan

LEFC does not intend to make any current improvements on the existing farm structures within Parcel C. Parcel C will remain "as is" at this time.

Submittal Information

The following information is enclosed as part of this submittal package:

- 1) Development Application Form.
- 2) Planning Fee of \$1,050.
- 3) Existing Conditions/Environmental Resource Plan (20 copies at 1"=100' and one copy reduced 11x17).
- 4) Development/Concept Plan (20 copies at 1"=100' and one copy reduced 11x17).
- 5) Landscape Plan (20 copies at 1"=100' and one reduced 11x17).
- 6) Landscape Details (20 copies at 11x17).
- 7) Building Elevations of LEFC (20 color copies).



Kimley-Horn
and Associates, Inc.

Mr. Chuck Dillerud
May 13, 2004
Page 5 of 5

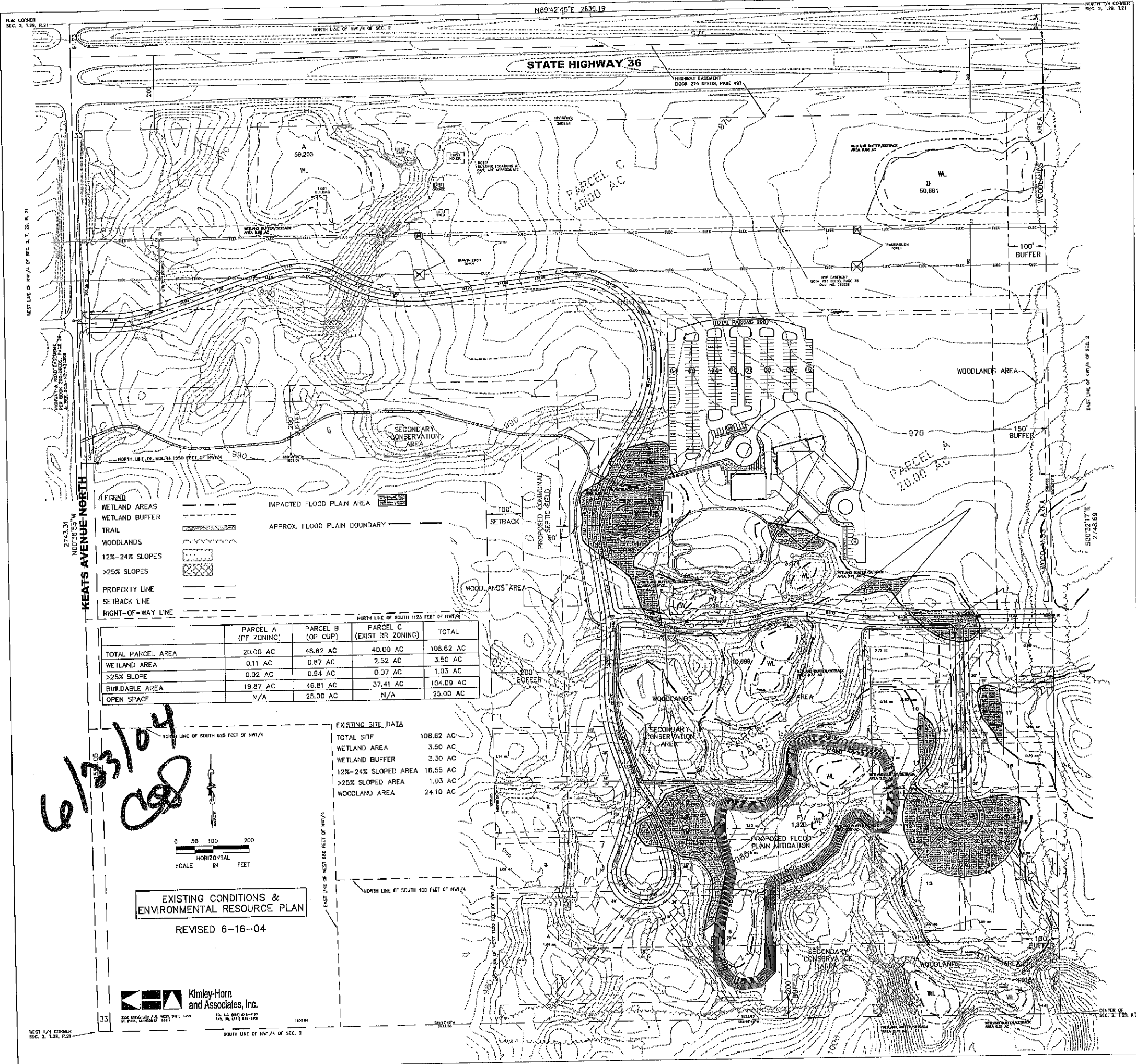
Thank you for the opportunity to submit this plan for your review and we look forward to working with you, other City staff, and elected officials. If you have any questions or need additional information, please contact me at 651-643-0407.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

Paul B. Danielson, P.E.
Project Manager

C: Chuck Palmer, LEFC
Tom Dornack, BWBR Architects
Gary Ehret, Kimley-Horn and Associates
File No. 160502006.2.001



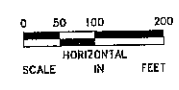
- LEGEND**
- WETLAND AREAS
 - WETLAND BUFFER
 - TRAIL
 - WOODLANDS
 - 12%-24% SLOPES
 - >25% SLOPES
 - PROPERTY LINE
 - SETBACK LINE
 - RIGHT-OF-WAY LINE

	PARCEL A (PF ZONING)	PARCEL B (OP CUP)	PARCEL C (EXIST RR ZONING)	TOTAL
TOTAL PARCEL AREA	20.00 AC	48.62 AC	40.00 AC	108.62 AC
WETLAND AREA	0.11 AC	0.87 AC	2.52 AC	3.50 AC
>25% SLOPE	0.02 AC	0.84 AC	0.07 AC	1.03 AC
BUILDABLE AREA	19.87 AC	46.81 AC	37.41 AC	104.09 AC
OPEN SPACE	N/A	25.00 AC	N/A	25.00 AC

EXISTING SITE DATA

TOTAL SITE	108.62 AC
WETLAND AREA	3.50 AC
WETLAND BUFFER	3.30 AC
12%-24% SLOPED AREA	16.55 AC
>25% SLOPED AREA	1.03 AC
WOODLAND AREA	24.10 AC

6/23/04
CRD



EXISTING CONDITIONS & ENVIRONMENTAL RESOURCE PLAN

REVISED 6-16-04



N.W. CORNER SEC. 2, T.29, R.21

SOUTH LINE OF NW1/4 OF SEC. 2

STATE HIGHWAY 36

KEATS AVENUE NORTH

PARCEL C
40.00 AC

PARCEL A
20.00 AC

PARCEL B
48.62 AC

SECONDARY CONSERVATION AREA



PROPOSED FLOOD PLAIN MITIGATION

SECONDARY CONSERVATION AREA

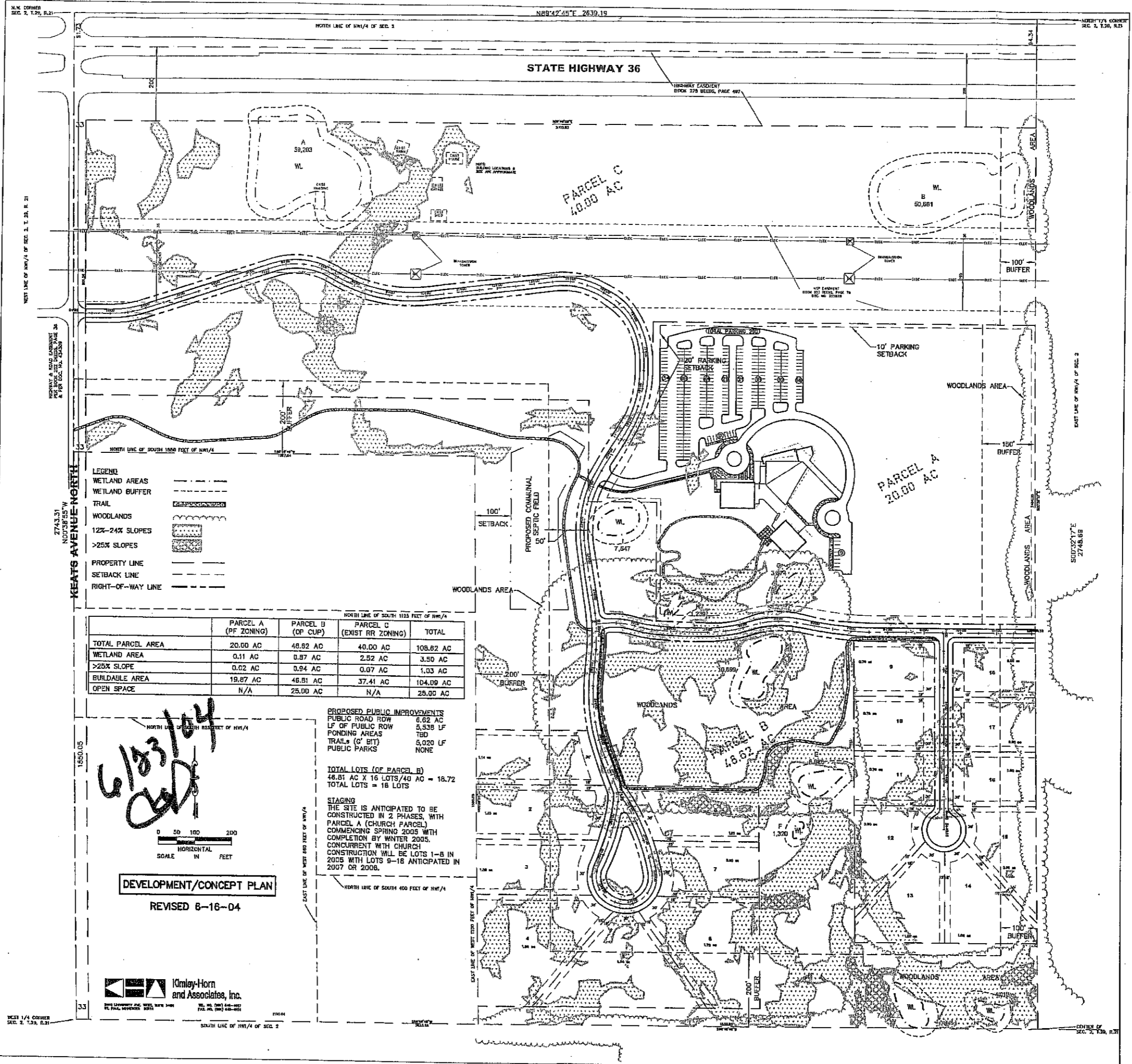
WOODLANDS AREA

WOODLANDS AREA

WETLAND BUFFER AREA

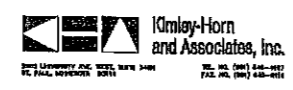
WETLAND BUFFER AREA

CENTER OF SECTION



G:\LAKEWOOD\PLAN SHEETS\LAKE-PROP-DEVELOP-8-16.dwg June 22, 2004 4:41pm

6/18/04
 [Signature]



STATE HIGHWAY 36

NOTES

1. STREET TREES NOT SHOWN IN WOODLANDS AREA. FIELD VERIFICATION TO DETERMINE IF STREET TREES ARE REQUIRED IN THIS AREA.
2. LANDSCAPE PLAN FOR CHURCH TO BE SUBMITTED WITH PRELIMINARY PLAT.

LANDSCAPE PLAN
REVISED 6-16-04

PLANT PALETTE

DECIDUOUS TREE

Botanical Name	Common Name	Spacing
Acer rubrum	Red Maple	30' O.C.
Celtis occidentalis	Hackberry	30' O.C.
Populus tremuloides	Quaking Aspen	30' O.C.
Quercus rubra	Red Oak	30' O.C.
Acer saccharinum	Silver Maple	30' O.C.
Betula nigra	River Birch	25' O.C.
Fraxinus nigra	Black Ash	25' O.C.
Fraxinus pennsylvanica	Green Ash	25' O.C.

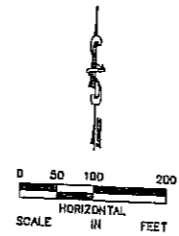
ORNAMENTAL TREE

Malus 'Autumn Glory'	Crabapple	12' O.C.
Prunus serrulata	Kwanzan' Cherry	15' O.C.

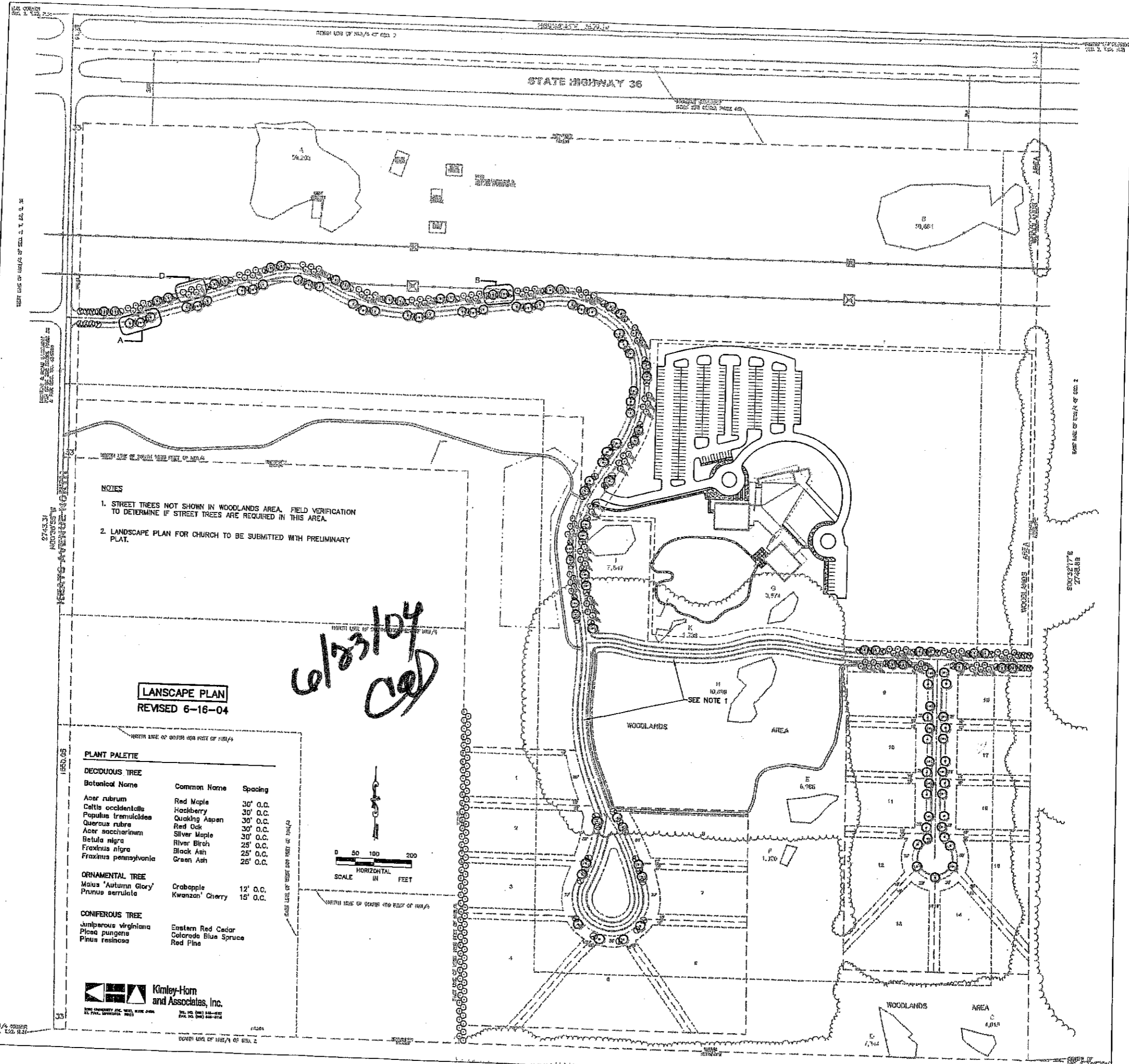
CONIFEROUS TREE


Juniperus virginiana	Eastern Red Cedar
Pinus pungens	Colorado Blue Spruce
Pinus resinosa	Red Pine

*6/23/04
ced*



G:\LAKEWOOD\PLAN SHEETS\10-Landscape-6-16.dwg June 22, 2004 - 6:14pm



Lake Elmo City Council July 6, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9E
<u>Agenda Item:</u> Front Yard Garage Waiver – 2333 Legion Lane		
<p><u>Background Information for July 6, 2004:</u></p> <p>The property owner has applied for a Waiver by Resolution to locate a 26 foot by 34 foot garage structure nearer the front lot line than the principal structure (house) on the lot. The garage structure would be located 20 feet from the north property line (side) and 85 feet from the front property line (Legion Lane). The proposed garage would be situated above Legion Lane and somewhat screened from the street by existing trees. The property is located on Downs Lake, but it does not appear that the proposed garage would be visible from Downs Lake.</p> <p>Due to the lake front location of this property, and the substantial set back of the proposed garage from the front property line we recommend adoption of the attached Resolution approving the garage location.</p>		
<p><u>Action items:</u></p> <p>Motion to adopt Resolution #2004 - ⁰⁵⁶, approving the location of a 26 foot by 34 foot detached a garage structure nearer the front property line than the principal structure at 2333 Legion Lane, per sketch plan staff dated July 1, 2004</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Location Map 2. Sketch Plan 	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-056

A RESOLUTION APPROVING THE PLACEMENT OF A GARAGE STRUCTURE IN
FRONT OF THE PRIMARY STRUCTURE AT 2333 LEGION LANE

WHEREAS, pursuant to Section 300.13, Subd. 31 of the Lake Elmo Municipal Code, William Deeb, the property owner has requested approval to place a 26 foot by 34 foot detached garage structure nearer the front property line than the principal structure, in accordance with sketch plan staff dated July 1, 2004.

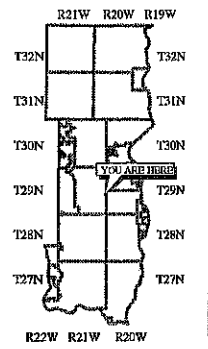
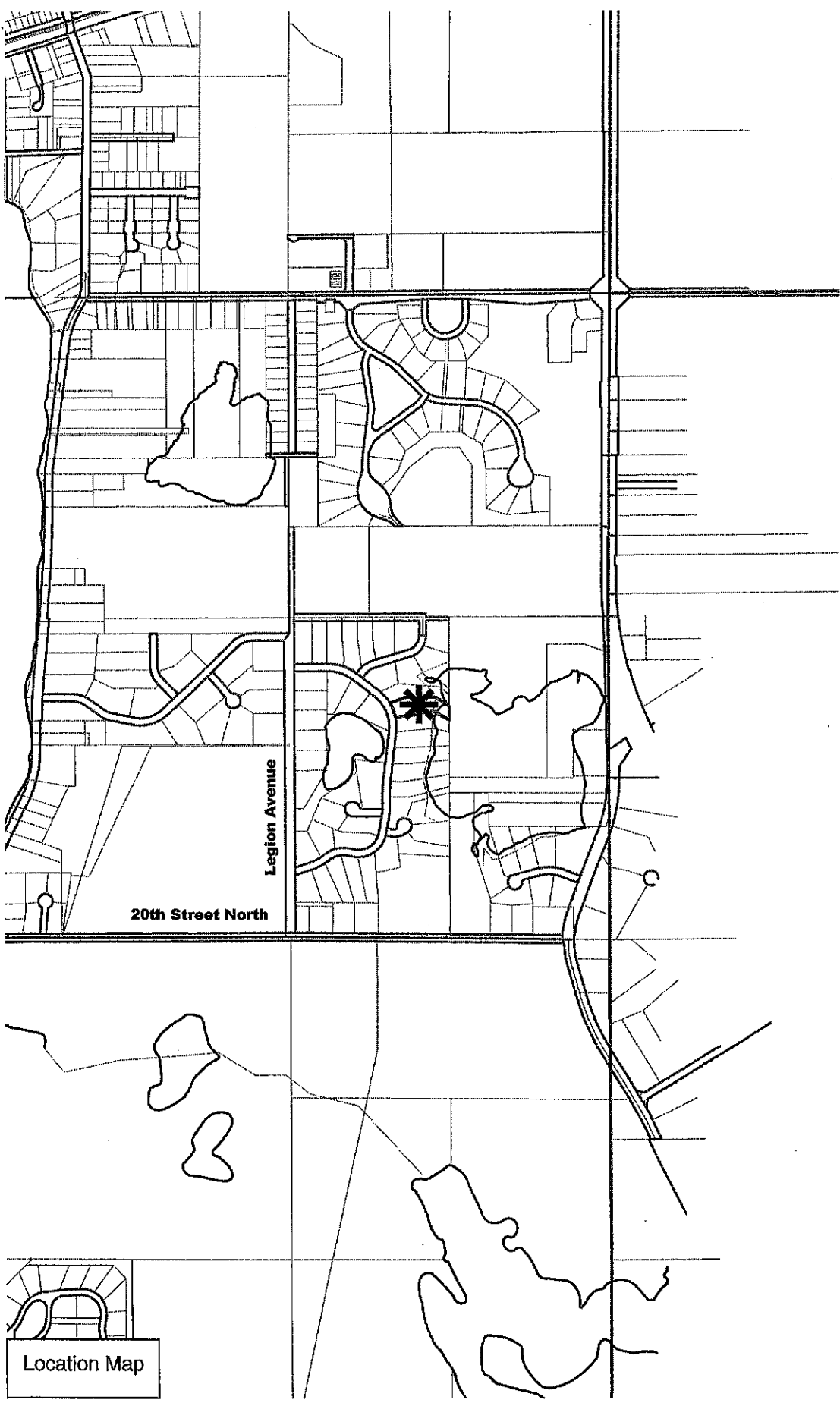
NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo hereby grants permission for construction of a 26 foot by 34 foot detached garage structure nearer the front property line than the principal structure at 2333 Legion Lane, per sketch plan staff dated July 1, 2004.

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

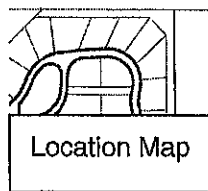
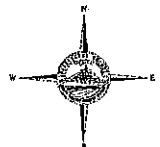
Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator



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 (554) 430-8876

Parcel data based on AS400 information

CERTIFICATE of SURVEY

LAND SURVEYING
14791 60TH STREET N.
STILLWATER, MN. 55082

LAND PLANNING
(612) 439-8833

SURVEY FOR: PAUL EMERSON
11980 N. 10th ST.
LAKE ELMO, MINN., 55042

BRUCE A. FOLZ
MINN. REG. NO. 9232
DATE: Sept 27, 1976
REV. Oct 6, 1976

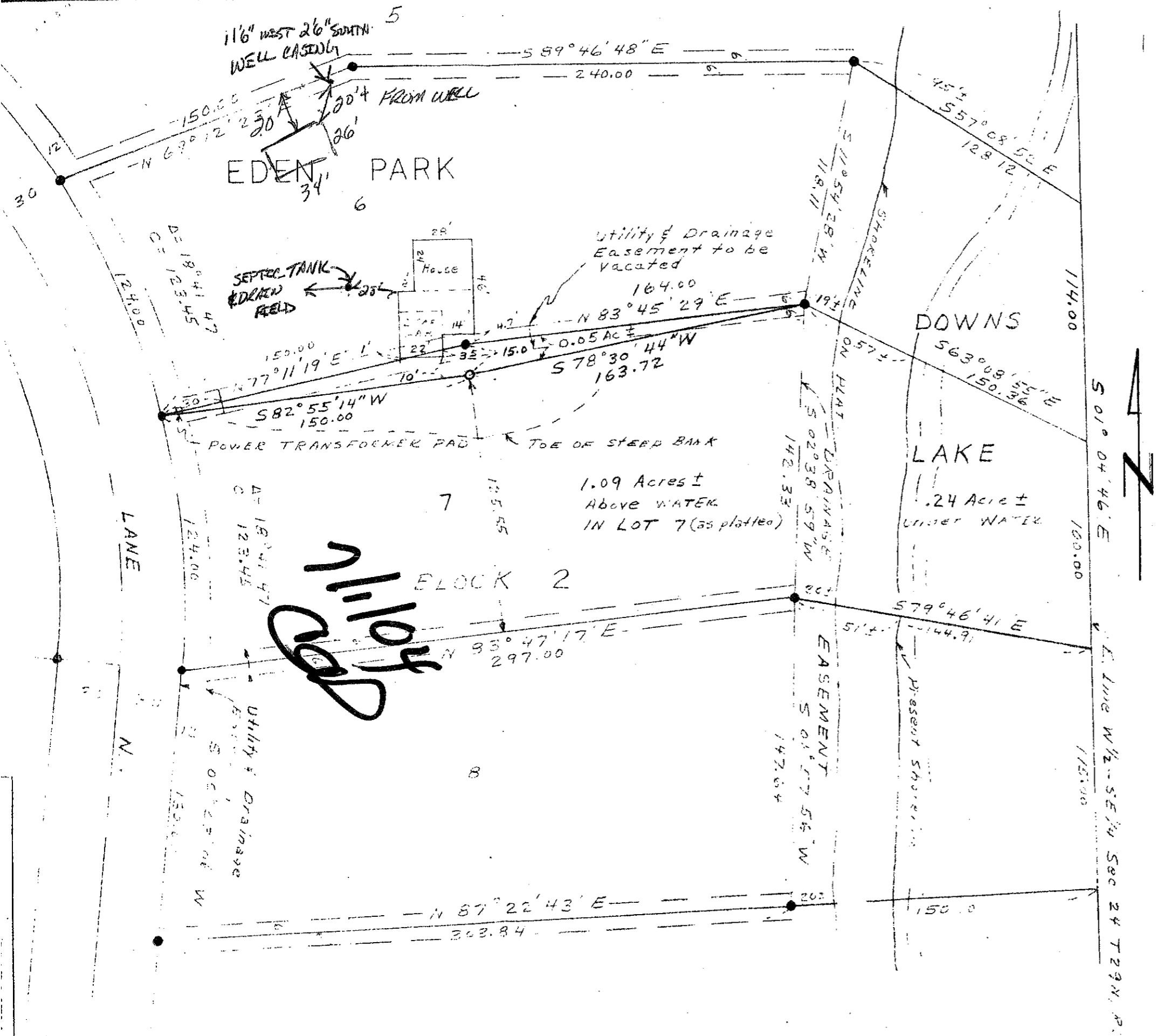
LEGAL DESCRIPTION: (Parcel to be added to lot 6)

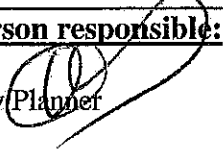
SCALE:
1 inch = 50 feet
0 25 50

That part of Lot 7, Block 2 EDEN PARK according to the recorded plat of record in the office of the County Recorder, Washington County, Minn.; described as follows: Beginning at the northwest corner of said Lot 7; thence 77 degrees 11 minutes 19 seconds East 150.00 feet along the north line of said Lot 7; thence North 83 degrees 45 minutes 29 seconds East 164.00 feet along the north line of said Lot 7; thence South 45 minutes 29 seconds East 164.00 feet along the north line of said Lot 7; thence South 78 degrees 30 minutes 44 seconds West 163.72 feet; thence South 82 degrees 55 minutes 14 seconds West 150.00 feet to the point of beginning, containing 0.05 acres, more or less.

Description of Proposed Utility and Drainage Easement Vacation.

That part of Lots 6 and 7, Block 2 EDEN PARK according to the recorded plat of record in the office of the County Recorder, Washington County, Minnesota, described as follows: The southerly 6.00 feet of said Lot 6 lying easterly of the westerly 30.00 feet and the northerly 6.00 feet of said Lot 7 lying easterly of the westerly 30.00 feet.



Lake Elmo City Council July 6, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9F
<u>Agenda Item:</u> Front Yard Garage Waiver – 8510 Hidden Bay Trail		
<p><u>Background Information for July 6, 2004:</u></p> <p>The property owner has applied for a Waiver by Resolution to locate a 31 foot by 32 foot garage structure nearer the front lot line than the principal structure (house) on the lot. The garage structure would be located 10 feet from the north property line (side) and must be 30 feet from the front property line (<u>Right-of-Way line</u> of Hidden Bay Trail). The proposed garage would situated such that existing trees would screen it from Hidden Bay Trail and Lake Demontreville.</p> <p>Due to the lake front location of this property, and the substantial mature tree coverage between the proposed structure location and Hidden Bay Trail we recommend adoption of the attached Resolution approving the garage location. Since the applicant's sketch appears to identify the proposed location to be 30 feet from the paved surface of Hidden Bay Trail rather than the right-of-way/property line, we also recommend a condition of approval that specifies that the front property line be located in the field, and the structure be no less than 30 feet from that line. From aerial photos it appears that the street surface of Hidden Bay Trail is skewed to the north edge of the right-of-way, so the garage location should not change more than a few feet from that depicted by the sketch to meet the proper 30 foot set back.</p>		
<p><u>Action items:</u></p> <p>Motion to adopt Resolution #2004 - , approving the location of a 31 foot by 32 foot detached a garage structure nearer the front property line than the principal structure at 8510 Hidden Bay Trail Legion Lane, per sketch plan staff dated July 1, 2004, but subject to a condition that the actual structure location be 30 feet from the identified front property line.</p>	<p><u>Person responsible:</u></p> <p>City Planner </p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Location Map 2. Sketch Plan 	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-057

A RESOLUTION APPROVING THE PLACEMENT OF A GARAGE STRUCTURE IN
FRONT OF THE PRIMARY STRUCTURE AT 8510 HIDDEN BAY TRAIL

WHEREAS, pursuant to Section 300.13, Subd. 31 of the Lake Elmo Municipal Code, Link Lavey, the property owner, has requested approval to place a 31 foot by 32 foot detached garage structure nearer the front property line than the principal structure at 8510 Hidden Bay Trail, in accordance with sketch plan staff dated July 1, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the City Council for the City of Lake Elmo hereby grants permission for construction of a 31 foot by 32 foot detached garage structure nearer the front property line than the principal structure at 8510 Hidden Bay Trail, per sketch plan staff dated July 1, 2004.

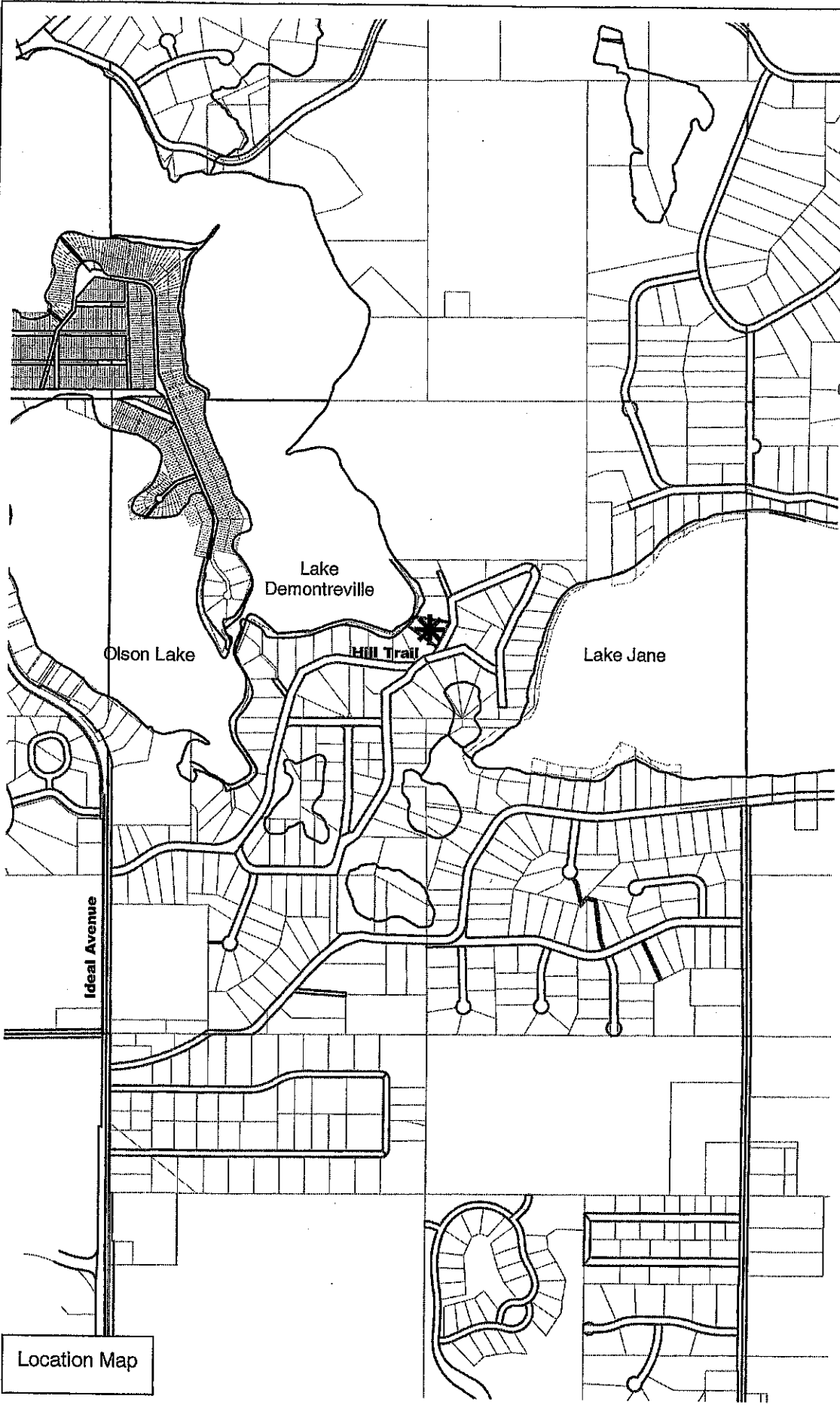
The property line and right-of-way line for Hidden Bay Trail must be located and staked. A building permit shall not be issued until the Building Official verifies that the garage will be located 30 feet from the front property line as identified.

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

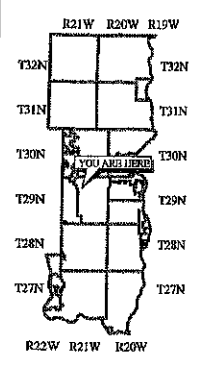
Lee Hunt, Mayor

ATTEST:

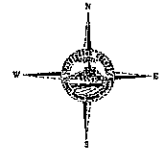
Martin J. Rafferty, City Administrator



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 (661) 430-8875

Parcel data based on AS400 Information

Kim,

The attached is an application for a permit to allow me to build a new detached garage forward of my existing house. The new garage would be set back 30' from the street and more than 10' from the property line on the side.

By placing the new garage at this location I will be able to use the existing driveway and will disturb the least amount of woods. By placing the garage in this location, it cannot be seen from the lake, and it will also be hidden with trees from the street.

Please let me know what the next step is for me.

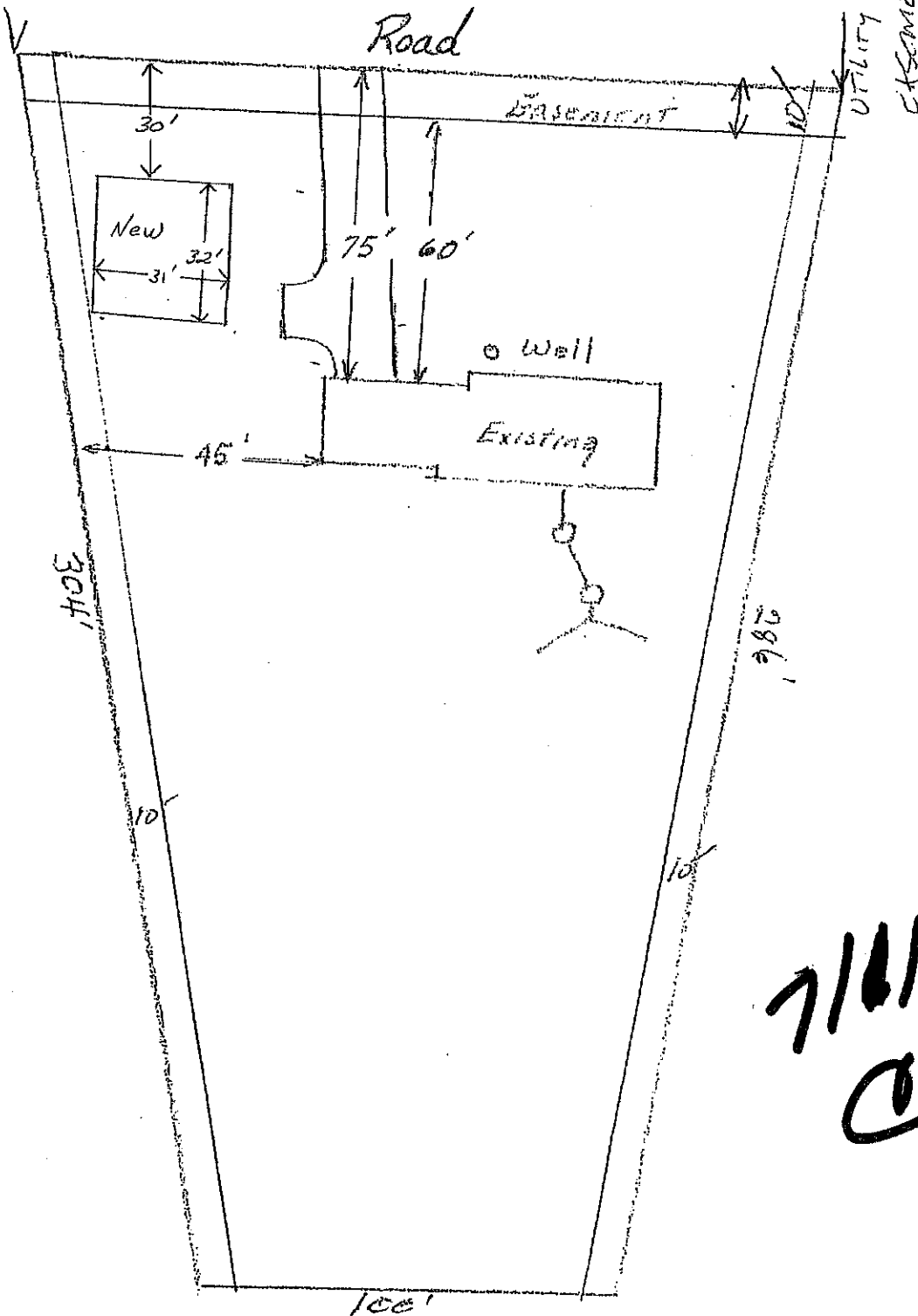
Thank you,
Link

Link Lavey
8510 Hidden Bay trail
Lake Elmo, MN 55042

Home: 651-777-8446
Cell: 612-845-8011

Property line

Lot 4 One Acres



COPY

7/16/04
OO

Link Lavey
6-23-04 ✓