

Mayor: Lee Hunt Councilmembers: Steve DeLapp Susan Dunn Wyn John Dean Johnston	<h1>Lake Elmo City Council</h1> <h2>Tuesday</h2> <h3>July 20, 2004</h3>	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	July 6, 2004
3. <u>PUBLIC INQUIRIES/INFORMATIONAL:</u> A. PUBLIC INFORMATIONAL:	Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.
4. <u>CONSENT AGENDA</u> A. Resolution No. 2004-058: Approve claims B. Finance Specialist	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. <u>FINANCE</u> A. Monthly Operations Report: Informational 6. <u>NEW BUSINESS</u>	Tom Bouthilet
7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u> A. Update on Building Dept. Activities: Building Official	

8. <u>CITY ENGINEER'S REPORT:</u> A. Carriage Station Grading (Verbal)	Tom Prew
9. <u>PLANNING, LAND USE & ZONING:</u> A. Resolution No. 2004-059:Shoreland Zoning Variance, 2225 Legion Lane, Olsen B. Appeal of Administrative Determination:Anderson-Sorenson C. Amended Fence Ordinance D. Fence Moratorium Exemption Request at 55th Street North:Ordinance No. 97-137 E. Limited Business Zoning District – Add Family Entertainment Center:Ordinance 97-138 and 97-139	C. Dillerud
10. <u>CITY ATTORNEY'S REPORT:</u>	
11. <u>CITY ADMINISTRATOR'S REPORT:</u> A. Meeting Time of Council Committees	
12. <u>CITY COUNCIL REPORTS:</u> A. Mayor Hunt (1) Update on Met Council Meeting (2) National Night Out B. Council Member DeLapp C. Council Member Dunn D. Council Member John E. Council Member Johnston	
Joint Meeting of Council and Environmental Commission, July 21, 7 p.m., Tour Waste Management Facility	

LAKE ELMO CITY COUNCIL MINUTES

JULY 6, 2004

1. AGENDA
2. MINUTES: June 15, 2004 Postponed
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Inquiries
 - B. Huff'N Puff Liquor License
 - C. Vivian Perry, Washington County Library-Summer Reading Program
4. CONSENT AGENDA:
 - A. Resolution No. 2004-050: Approve Claims
 - B. Finance Specialist - POSTPONED
 - 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
5. FINANCE:
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Fire Dept. Activities: Chief Malmquist: (Not In Attendance)
8. CITY ENGINEER'S REPORT:
 - A. Effectiveness of Storm Water Drains on Hill Trail N.
9. PLANNING, LAND USE & ZONING:
 - A. Zoning Ordinance Amendment – Uses in Limited Business Zone (LB): Ordinance 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:Resoluiton 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:Resolution No. 2004-057
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Alternative City Hall Sites
 - B. Met Council Meeting
12. CITY COUNCIL REPORTS:
 - A. Mayor Hunt – Champion of Industry

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

1. AGENDA

ADD:8A. Storm Drain on Hill Trail, 11A. Authority to proceed with alternatives for public facilities, DELETE: 4B. Finance Specialist

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

2. **MINUTES:** June 15, 2004 (Postpone until July 20, 2004)

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. PUBLIC INQUIRIES

Tom McCormick, 12276 Marquess Way N., (Carriage Station), asked for consideration for a fence permit exception from the fence moratorium for himself and two neighbors. He borders 55th Street and looks across a commercial area.

M/S/P Dunn/John - to accept and pass on the request from Tom McCormick for an exception from the fence moratorium for a fence permit to the Legislative Council Committee meeting on July 14th for a possible recommendation. (Motion passed 5-0).

Rod Reimanns stated he and Mr. Sobczaks have issues concerning the drainage easement on the back of the lot and have a less intrusive remedy than is being proposed. He said Tom Prew had recommended a retaining wall and there are five residents in favor of this resolution and one against. Administrator Rafferty said this request would go to the Public Works Council Committee on Tuesday, 7 p.m. Council member DeLapp brought up his concern with loosing the Tamarack swamp.

Margaret Carlson, Environmental Commission Chair., was in attendance for Single Sort Recycling. She said the ordinance amending the Solid Waste ordinance permitting bi-weekly single sort recycling pickup was made without input from the Environmental Commission. She said a 14-month study showed single sort recycling had less participation than the two-stream. At the Council Committee meeting it was recommended to rescind the motion subject to the review by the city attorney. A joint workshop of the Council and Environmental Commission will be scheduled for July 21 to tour the single sort operation of Waste Management and waste haulers/ recyclers will be invited to participate in the discussion after the tour.

B. Huff 'N Puff Liquor License

MAYOR HUNT PROCLAIMED AUGUST 12-15, 2004 AS HUFF'N PUFF DAYS. M/S/P DeLapp/Dunn – 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 and to waive the fees for the liquor license and for all the ball field lights. (Motion passed 5-0).

C. Washington County Library – Summer Reading Program

Pat Conley, Washington County Library, indicated the Library is looking for sponsors for a 5-week summer reading program: The Communities & Libraries in Partnership: Make Every Child a Reader project will provide materials and support needed to help keep children develop their literacy skills during the summer months, Council member DeLapp suggested contacting the Tubman Family Alliance. Council member John will bring this program up to the Friends of the Library at Friday's (July 8) meeting.

4. CONSENT AGENDA:

A. Resolution No. 2004-050 Approve claims

M/S/P DeLapp/Johnston – to adopt Resolution No. 2004-050, approving claim numbers DD183 through DD191, 25783 through 25797 that were used for staff payroll dated June 24, 2004, claim numbers 25798 through 25855 dated July 6, 2004 in the total amount of \$184,489.96. (Motion passed 5-0).

B. Finance Specialist:- Postponed until the July 20, 2004 Council Meeting

C. Final Payment to Tower Asphalt: Street Overlay Project Resolution No. 2004-051

Tom Prew reported in his memo dated July 1, 2004 that the 2004 Overlay Project is \$6,300.00 over the bid price due to more patching than was estimated and for additional catch basin reconstruction work. He recommended approval of Compensating Change Order Number No. 1 in the amount of \$6,279.55 and approval of Final Payment to Tower Asphalt in the amount of \$69,079.55.

M/S/P DeLapp/Johnston – to 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. (Motion passed 5-0).

D. Partial Payment to Schifsky: Hill Trail Reconstruction Project: Resolution No. 2004-052

Tom Prew reported in his memo dated July 1, 2004 that T.A. Schifsky and Sons has completed the wear course paving and turf establishment. Prew met with the contractor

on the remaining punch list items. He recommended approval of Partial Payment No. 3 to T.A. Schifsky and Sons in the amount of \$62,278.41.

M/S/P Johnston/Dunn – 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. (Motion passed 4-0-1: Council member DeLapp stepped out of the meeting for this vote.)

E. Liquidation of Equipment

The Finance Director recommended the street sweeper, Grass Rig and the 1995 Ford Crown Victoria be advertised for sale through the seal bid process with a minimum price.

5. FINANCE:

6. NEW BUSINESS:

7. MAINTENANCE/PARK/ZFIRE/BUILDING:

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

8. CITY ENGINEER'S REPORT:

A. Effectiveness of storm water drains on Hill Trail North:

Council member Johnston stated the three storm water drains are not taking water. Tom Prew responded these water drains were not constructed correctly, and he would be meeting the contractor on Wednesday, July 7th.

9. PLANNING, LAND USE & ZONING:

A. Zoning Ordinance Amendment – Uses in Limited Business Zone (LB): Ordinance 97-134 and 97-135

The City Planner reported a prospective Lake Elmo business has inquired regarding the ability to locate a Beauty Salon/Day Spa in the Limited Business zoning district. The business owner was notified that neither the proposed use is defined by the City Code nor listed as either permitted or Conditional in the LB zone.

On June 28, 2004, the Planning Commission recommended 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 recommended adding the definitions of "Beauty Salon" and "Day Spa" to Section 150 of the City Code.

Council member DeLapp encouraged the Council to hold off until the Old Village Plan was completed because the Comp Plan has laid out the criteria for uses that should only be located in the Old Village commercial area. Other council members said they were willing to support the additional use since prospective businesses would still have to obtain a conditional use permit from the City before they could open in a Limited Business district.

M/S/P John/Johnston – to adopt Ordinance No. 97-134, An Ordinance 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. (Motion passed 4-1: DeLapp couldn’t see that a beauty salon belongs in a residential area and didn’t think the City should be continually adding more uses to LB.)

M/S/P John/Johnston - Ordinance No. 97-135, An Ordinance 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. (Motion passed 5-0).

Council member DeLapp questioned why motorcycle sales were included as an acceptable business in a Limited Business area. Planner Dillerud responded this item was added because it apparently already existed at some point when the LB district uses were initially adopted.

B. Comprehensive Plan Amendment & Rezoning – Olinger:
Resolution No. 2004-053 and Ordinance 97-136

The City Planner reported that the Planning Commission recommended 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 Jean and Dan Olinger for those Plan and Zoning Map actions in total. He stated that 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. The Planner noted that there was an application years ago for platting of this area into multiple R1 lots. The history was unclear as to why this parcel is guided and was zoned RAD.

Tim Freeman, Land Surveyor and Land Planer with FFE, stated Jean and Dan Olinger wanted to keep this parcel open and accommodate the Olinger’s short term plan to accommodate a parcel for their daughter to build a house. Freeman noted that the applicant did agree with what the Planning Commission recommended. Council member Dunn voiced concern with the close proximity of the landfill. Council member DeLapp asked for consideration of rezoning to OP. Dillerud responded he didn’t sense the applicant wanted to do this.

M/S/P Johnston/John - to table until Mayor Hunt returns. Lee Hunt left the meeting at 8:27 p.m. (This agenda item requires 4 votes to pass.) (Motion passed 4-0).

M/S/P Johnston/John – to take off the table the agenda item for discussion now that Mayor Hunt had returned. (Motion passed 5-0).

M/S/P Johnston/John - to adopt Resolution No. 2004-053, A Resolution amending the Comprehensive Plan to reclassify a portion of the Jean and Dan Olinger property in Section 10 from RAD to SRD based on the recommendation of the Planning Commission (Motion passed 4-1: DeLapp)

M/S/P John/Johnston - to adopt Ordinance No. 97-136, an ordinance rezoning a portion of the Olinger property in Section 10 from RR to R-1 based on the recommendation of the Planning Commission. (Motion passed 4-1: DeLapp's recommendation is to go with OP along the lake and have open space in the back which would be more compatible.)

C. Zoning Variance – 8061 Hill Trail North/
Abrahamson:Resolution No. 2004-054

The City Planner reported that the Planning Commission recommended approval of a zoning variance at 8061 Hill Trail N. to allow an existing Tool Shed of approximately 210 square feet to be retained. 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. The screen porch now under construction on this property would 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.

M/S/P Johnston/Dunn - to approve Resolution No. 2004-054, A Resolution approving a 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 recommendation of the Planning Commission. (Motion passed 5-0).

D. OP Concept Plan- Deer Glen (Lakewood Church):Resolution
No. 2004-055

The City Planner reported the Planning Commission held a 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. The property is located at the southwest corner of Highway 36 and Keats Avenue.

Council member Dunn noted the City is very sensitive about the water that goes into Goetschel pond. Dillerud said the City relies on both the City Engineer and the Valley Branch Watershed District to be our advisories regarding flood plain. John Hanson (VBWD) had stated a concern about flood plain mitigation that would be required by the Concept, but had recently conceded that the applicant's mitigation would likely meet District Policy. That determination would be subject to actual grading plans and a Valley Branch Permit.

Council member Johnston said that the Concept Plan is not consistent with the Lake Elmo Comprehensive Plan or the Open Space Preservation Ordinance due to the proposal to significantly alter the natural grades of the site to overcome natural drainage features to create home sites.

M/S/P DeLapp/John - to adopt Resolution No. 2004-055, A Resolution Denying the Open Space Concept plan, dated June 23, 2004, for Deer Glen (Lakewood Evangelical Free Church), as presented based on the following findings:

1. The Concept Plan is inconsistent with the Lake Elmo Comprehensive Plan Environmental Protection policies regarding residential developments conforming to the limitations presented by natural features, including natural drainage systems, by proposing significant modifications of natural grades and existing flood plain on the site.
2. The Concept Plan is inconsistent with the purpose of the Lake Elmo Open Space Preservation Ordinance by proposing to significantly alter the natural drainage features of the site.

(Motion passed 4-0: Mayor Hunt was absent for the vote.)

Grant Nelson, representative of the Lakewood Church, explained he had extensive discussion with the staff, who tried their best to put together a plan that responded to the city's open space values. He said he was a bit baffled that the Plan was not in compliance. Nelson stated it was their desire to keep the north 40 acres of the church's 108 acre site open as it is their front yard.

E. Front Yard Garage Waiver: William Deeb, 2333 Legion Avenue: Resolution No. 2004-056

The Planner reported that William Deeb, 2333 Legion Avenue North, 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. 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 the Planner reported that it does not appear that the proposed garage would be visible from Downs Lake. Staff recommended approval of this waiver due to the lake front location of this property and the substantial set back of the proposed garage from the front property line.

M/S/P Johnston/DeLapp- to adopt Resolution No. 2004-056, A Resolution approving the location of a 26 foot by 34 foot detached garage structure nearer the front property line than the principal structure for William Deeb at 2333 Legion Lane, per sketch plan staff dated July 1, 2004. (Motion passed 5-0).

F. Front Yard Garage Waiver: Link Lavey, 8510 Hidden Bay Trail, Resolution No. 2004-057

The Planner reported Link Lavey, 8510 Hidden Bay Trail, 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 would be located 10 feet from the north property line (side) and must be 30 feet from the front property line (right-of-way line of Hidden Bay Trail). He reported that the proposed garage would be situated such that existing trees would screen it from Hidden Bay Trail and Lake Demontreville.

Due to the lake front location of this property and the substantial mature tree coverage between the proposed structure location on Hidden Bay Trail, staff recommended adoption of the Resolution to approve the garage location. The City Planner noted since the applicant's sketch appears to identify the proposed location to be 30 feet from the approved surface of Hidden Bay Trail rather than the right-of-way property line. He recommended 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. The Planner stated that based on aerial photos, it appeared that the street surface of Hidden Bay Trail was 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.

M/S/P Johnston/DeLapp - to adopt Resolution No. 2004-057, A Resolution Approving the location of a 31 foot by 32 foot detached garage structure nearer the front property line than the principal structure for Link Lavey at 8510 Hidden Bay Trail, per sketch plan staff dated July 1, 2004, subject to the following conditions.

1. 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.
2. No trees or vegetation shall be removed within the 30 foot street set back area to Hidden Bay Trail.
3. Prior to issuance of a building permit for the garage structure, the property owner shall submit a scaled drawing depicting the exact location of the proposed garage structure in relation to the Hidden Bay Trail right-of-way line and any other structures on the site. The drawing shall also provide the location, approximate size and types of foliage and trees existing within 30 feet of the proposed garage structure, together with an indication of which trees and foliage will be removed during garage construction. (Motion passed 5-0)

9. CITY ATTORNEY'S REPORT:

10. CITY ADMINISTRATOR'S REPORT

A. Alternative City Hall Sites

Administrator Rafferty reported negotiations will continue with the owners of the Brookfield II building, but asked the Council to give him the permission to authorize professional services to pursue two other potential options.

M/S/P DeLapp/Dunn – to direct the City Administrator to continue developing the proposal for alternative sites for new facilities. (Motion passed 5-0.)

B. Met Council Meeting

Administrator Rafferty reported he, Planner Dillerud, Council member John met with Regional Administrator Tom Weaver, Metro Council Chair Peter Bell and METC Environmental Services Director Bill Moore to review the background of the Lake

Elmo/Met Council Comprehensive Plan issue; and, to determine if the Met Council had actually proposed any other potential settlement – as had been reported to the City by third parties.

Administrator Rafferty reported that the majority of the meeting involved reviewing the June, 2003 proposal for settlement that had been suggested by Chair Bell, and thereafter found to be unacceptable to the City Council. He also noted that Council Member John then briefed Bell and Weaver as to the history of the Regional Sewer discussions during the late 1990's.

He then reported that Council Member John advised the METC representatives that he distinctly recalled the Lake Elmo Council telling METC representatives at a meeting in the Lake Elmo City Hall that the City would only consider a small WONE interceptor capacity increase to support Business Park service as far west as Keats Avenue. The Met Council engineers had said that such a capacity increase could be accomplished by a short stretch of parallel piping at a cost of around \$400,000. John continued that the \$10 million dollar Lake Elmo Interceptor was never discussed with the City before appearing in the Met Council amended Sewer Plans in 2000.

Administrator Rafferty summarized the Met Council position regarding Lake Elmo's Comprehensive Plan as unchanged, with no new Met Council proposals "on the table", and no compromise proposal so far forthcoming from Lake Elmo.

The City Planner then reminded the Council of his June 18, 2003 Memo to them which quantitatively described the "Bell Proposal" as less of a departure from the adopted Lake Elmo Plan, but which would still result in double the housing units and population in the City by 2003 than the Lake Elmo Plans specifies – most of which would be located in the area of the City between 10th Street and I-94.

11. CITY COUNCIL REPORTS:

A. Mayor Hunt – Champion of Industry

Mayor Hunt reported the City could use its annual donation from the Lake Elmo Jaycees to help defray the costs, and he has been talking with local businesses to see if they would be willing to help cover some of the costs. About 45 percent of the costs are covered. Mayor Hunt and Council Member John indicated they wanted to talk about the City's good planning and thought this was a tremendous way to have the City come together.

Council member Johnston stated that people like Lake Elmo being a well kept secret and it was a terrible waste of money. He questioned the validity and usefulness of the award that was given to cities that paid the \$28,000 fee.

M/S/F Hunt/DeLapp – to proceed ahead with accepting the Champions of Industry 300 award for "best small town" from Pat Summerall Productions. (Motion failed:Dunn:The remaining funding was too high for the City, Johnston:He could come up with a dozen

projects that would be better use of the City's money, DeLapp:His heart said yes, but his pocketbook said no.)

Council member DeLapp asked staff to deal with the Buberl CUP because of the numerous violations. He said the County and Planners haven't given up on this. DeLapp noted there was a monster garage, painted yellow and did not match the color of the house, which was built in his neighborhood that could fit two tractor trailers.

Council adjourned the meeting at 9:50 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2004-050 Approve Claims

Resolution No. 2004-051 Final Payment to Tower Asphalt for Street Overlay Project

Resolution No. 2004-52 Partial Payment to Schifsky & Sons for Hill Trail Reconstruction

Resolution No. 2004-053 Comprehensive Plan Amendment for Dan & Jean Olinger

Resolution No. 2004-054 Zoning Variance for 8061 Hill Trail N. Abrahamson

Resolution No. 2004-055 Deny OP Concept Plan Deer Glen (Lakewood Church)

Resolution No. 2004-056 Front yard Garage Waiver, William Deeb, 2333 Legion Ave.

Resolution No. 2004-057 Front yard Garage Waiver, Link Lavey, 810 Hidden Bay Trail

Ordinance No. 97-134 & Ordinance 97-135 Zoning Ordinance Amendment -- Uses in Limited Business Zone for Beauty Salons and Day Spas

Ordinance No. 97-136 Rezoning for Dan and Jean Olinger

4A.

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

**RESOLUTION NO. 2004-058
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 208, 209 DD192 through DD202, 25856 through 25887, were used for Staff/Fire, payroll dated July 08, 2004, Claim Numbers 210, 25890 through 25930 dated July 20, 2004 in the total amount of \$215,376.36 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 20th day of July, 2004.

Lee Hunt
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator
Printed: 07/15/2004 - 4:17 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ABDO 214805	Abdo Eick & Meyers Annual Report to State Auditor Check Total:	370.60 370.60	07/20/2004	Check Sequence: 1 101-410-1530-43010	ACH Enabled: No
Vendor:ARAM 629-5500949	Aramark Linen City Hall Check Total:	43.18 43.18	07/20/2004	Check Sequence: 2 101-410-1940-44010	ACH Enabled: No
Vendor:ARCADELE 1602	Arcade Electric Electric Work-VFW Field Lighting Check Total:	2,500.00 2,500.00	07/20/2004	Check Sequence: 3 404-480-8000-45300	ACH Enabled: No
Vendor:BIFFS W226246 W226247 W226248 W226249 W226250 W226251 W226252	Biff's Inc. Restrooms-Sunfish Park Restrooms-Lions Park Restrooms-VFW Park Restrooms-DeMontreville Park Restrooms-Reid Park Restrooms-Tablyn Park Restrooms-Pebble Park Check Total:	70.26 140.52 70.26 70.26 70.26 70.26 70.26 562.08	07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004	Check Sequence: 4 101-450-5200-44120 101-450-5200-44120 101-450-5200-44120 101-450-5200-44120 101-450-5200-44120 101-450-5200-44120 101-450-5200-44120	ACH Enabled: No
Vendor:CAPRA 49480	CAPRA'S UTILITIES INC. Retapp Three Water Connections-Lisbon Check Total:	3,100.00 3,100.00	07/20/2004	Check Sequence: 5 601-494-9400-44030	ACH Enabled: No
Vendor:COPYIMAG 49480	Copy Images, Inc. Copier Maint. Agreement	255.60	07/20/2004	Check Sequence: 6 101-410-1940-44040	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	255.60			
Vendor:EOR 36-01-03-08 36-01-04-03	Ermmons & Olivier Resources Infiltration Project-Reimbursed Infiltration Project-Reimbursed Check Total:	7,142.17 14,362.99 21,505.16	07/20/2004 07/20/2004	Check Sequence: 7 101-410-1910-43050 101-410-1910-43050	ACH Enabled: No
Vendor:F.I.R.E. 04116	Fire Instruction & Rescue Education Inc Training Fire Dept. Check Total:	330.00 330.00	07/20/2004	Check Sequence: 8 101-420-2220-44370	ACH Enabled: No
Vendor:FIREQUI 3691	Fire Equipment Specialties Turn-Out Gear-New Personnel Check Total:	3,976.92 3,976.92	07/20/2004	Check Sequence: 9 410-480-8000-45800	ACH Enabled: No
Vendor:GENESIS 1451	Next Genesis Productions Computer & Server Repairs & Maint. Check Total:	275.00 275.00	07/20/2004	Check Sequence: 10 101-410-1520-43180	ACH Enabled: No
Vendor:GTN 4-03	Ramsey/Washington Suburban Cable Commission Tuner for Cable Bullentin Operation Check Total:	260.93 260.93	07/20/2004	Check Sequence: 11 101-410-1320-44300	ACH Enabled: No
Vendor:HAGBERGS	Hagbergs Country Market Supplies-City Hall Check Total:	26.46 26.46	07/20/2004	Check Sequence: 12 101-410-1940-44300	ACH Enabled: No
Vendor:ICC 0793842-IN	International Code Council Cards-Bldg Dept. Check Total:	56.39 56.39	07/20/2004	Check Sequence: 13 101-420-2400-42030	ACH Enabled: No
Vendor:LANDBUILL Permit 3006	Lang Builders Inc. Escrow Return-9515 55th Street Check Total:	1,000.00 1,000.00	07/20/2004	Check Sequence: 14 803-000-0000-22900	ACH Enabled: No
Vendor:LAW 1074	Law Enforcement Technology Group Inc. Laptop Software Implementation	2,560.00	07/20/2004	Check Sequence: 15 101-420-2220-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	2,560.00			
Vendor:LEOIL	Lake Elmo Oil, Inc.			Check Sequence: 16	ACH Enabled: No
B01203	Fuel-Public Works	1,179.63	07/20/2004	101-430-3100-42120	
S01203	Fuel-Fire Dept.	156.19	07/20/2004	101-420-2220-42120	
S01208	Fuel-Parks	39.46	07/20/2004	101-450-5200-42120	
	Check Total:	1,375.28			
Vendor:LIFESTYL	Lifestyle Homes			Check Sequence: 17	ACH Enabled: No
Permit 3872	Escrow Return 4220 Kirkwood Lane	1,000.00	07/20/2004	803-000-0000-22900	
	Check Total:	1,000.00			
Vendor:MARONEYS	Maroney's Sanitation, Inc			Check Sequence: 18	ACH Enabled: No
054106	Refuse Removal-Public Works	155.89	07/20/2004	101-430-3100-43840	
054106	Refuse Removal-City Hall	129.79	07/20/2004	101-410-1940-43840	
054106	Refuse Removal-Parks	183.96	07/20/2004	101-450-5200-43840	
	Check Total:	469.64			
Vendor:MCLEOD	McLeod USA			Check Sequence: 19	ACH Enabled: No
5549526	Telephone Service	274.39	07/20/2004	101-410-1940-43210	
5549526	Telephone Service	191.95	07/20/2004	101-420-2220-43210	
5549526	Telephone Service	136.16	07/20/2004	101-430-3100-43210	
5549526	Telephone Service	60.47	07/20/2004	101-410-1940-43210	
5549526	Telephone Service	60.47	07/20/2004	602-495-9450-43210	
5549526	Telephone Service	106.29	07/20/2004	601-494-9400-43210	
5549526	Telephone Service	80.12	07/20/2004	101-450-5200-43210	
	Check Total:	909.85			
Vendor:MEYERCON	Meyer Contracting Inc.			Check Sequence: 20	ACH Enabled: No
	1/2 Payment 34th Lift Station Upgrade	9,350.00	07/20/2004	409-480-8000-45300	
	Check Total:	9,350.00			
Vendor:MILLEREX	Miller Excavating, Inc.			Check Sequence: 21	ACH Enabled: No
9464	Remove Street Sweepings & Grade Roads	2,603.96	07/20/2004	101-430-3100-43150	
	Check Total:	2,603.96			
Vendor:MNSTATET	MN State Treasurer			Check Sequence: 22	ACH Enabled: No
2nd Qtr	Building Surcharge Payment-2nd Qtr	2,773.62	07/20/2004	101-420-2400-43060	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	2,773.62			
Vendor: Natl Wat 1446378 1464733	National Waterworks Meter-Bluestem Central Meter Read Equipment Repairs Check Total:	405.89 177.15 583.04	07/20/2004 07/20/2004	Check Sequence: 23 601-494-9400-42300 601-494-9400-44030	ACH Enabled: No
Vendor: OAKTIRE 082370	Oakdale Tire and Auto Tires-Fire Dept Check Total:	145.00 145.00	07/20/2004	Check Sequence: 24 101-420-2220-44040	ACH Enabled: No
Vendor: ONECALL 4060500	Gopher State One-Call One Call Concepts, Inc Line Locates-June 04 Check Total:	165.60 165.60	07/20/2004	Check Sequence: 25 101-430-3100-44300	ACH Enabled: No
Vendor: PETERSO 11135M 11140M 11145M 11150M 11161M	Peterson Fram & Bergman Legal Services-Civil Legal Services-Criminal Legal Services-Capital Legal Services-Planning Legal Services-Auto Forfeiture Check Total:	2,388.61 5,051.95 66.00 341.00 92.50 7,940.06	07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004	Check Sequence: 26 101-410-1610-43040 101-410-1610-43045 410-480-8000-43040 101-410-1910-43040 101-410-1610-43045	ACH Enabled: No
Vendor: PITNEYSU 355788	Pimey Bowes Supplies Postage Meter Supplies Check Total:	86.19 86.19	07/20/2004	Check Sequence: 27 101-410-1320-42000	ACH Enabled: No
Vendor: PRESS	StevenPress Cable Operatot Check Total:	80.00 80.00	07/20/2004	Check Sequence: 28 101-410-1320-44300	ACH Enabled: No
Vendor: QUALAIR 7677 7678	Quality Air Repair Gas Leak-City Hall HVAC Maintenance Check Total:	82.00 318.00 400.00	07/20/2004 07/20/2004	Check Sequence: 29 101-420-2220-44010 101-420-2220-44010	ACH Enabled: No
Vendor: Reserve 20313037	Pimey Bowes Reserve Account Postage	500.00	07/20/2004	Check Sequence: 30 101-410-1320-43220	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	500.00			
Vendor:RUD	DianePrince-Rud Cleaning-City Hall Cleaning-Fire Hall Check Total:	240.00 240.00 480.00	07/20/2004 07/20/2004	Check Sequence: 31 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor:S&T 01JD8262	S&T Office Products, Inc. Office Supplies-Admin Check Total:	282.00 282.00	07/20/2004	Check Sequence: 32 101-410-1320-42000	ACH Enabled: No
Vendor:STILLGAZ 00003561 00003563 00003564	Stillwater Gazette Legal Notice Legal Notice Legal Notice Check Total:	35.70 29.40 33.60 98.70	07/20/2004 07/20/2004 07/20/2004	Check Sequence: 33 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510	ACH Enabled: No
Vendor:TASCH 33362	T.A. Schifsky & Sons Sand-Parks Check Total:	58.71 58.71	07/20/2004	Check Sequence: 34 101-450-5200-42250	ACH Enabled: No
Vendor:TESSMAN S052769-IN	Tessman Company Weed Control Supply Check Total:	169.10 169.10	07/20/2004	Check Sequence: 35 101-450-5200-42250	ACH Enabled: No
Vendor:TKDA 068148 068149 068150 068151 068152 068152 068152 068152 068153 068171 068172 068189 068193	TKDA, Inc.	50.74 659.62 304.44 152.22 2,440.21 50.74 105.23 362.67 355.17 200.00 50.74 1,595.45 258.23 501.27	07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004 07/20/2004	Check Sequence: 36 409-480-8000-43030 404-480-8000-43030 803-490-9070-43030 101-410-1930-43030 101-410-1930-43030 601-494-9400-43030 603-496-9500-43030 803-490-9070-43030 602-495-9450-43030 101-410-1930-43030 402-480-8000-43030 409-480-8000-43030 101-410-1930-43030 404-480-8000-43030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
068194		998.38	07/20/2004	603-496-9500-43030	
068199		93.70	07/20/2004	311-470-7000-43030	
068200		112.13	07/20/2004	311-470-7000-43030	
068201		158.68	07/20/2004	311-470-7000-43030	
068202		629.01	07/20/2004	101-410-1910-43030	
068236		50.74	07/20/2004	602-495-9450-43030	
068237		1,841.65	07/20/2004	101-410-1910-43060	
068238		1,299.16	07/20/2004	409-480-8000-43030	
	Check Total:	12,270.18			
Vendor: TOWER	Tower Asphalt, Inc.				ACH Enabled: No
Cert 1-Final	2004-Overlays	69,079.55	07/20/2004	Check Sequence: 37	
	Check Total:	69,079.55		409-480-8000-45300	
Vendor: USBANK	US Bank Trust N.A.				ACH Enabled: No
33395470	Interest Payment-2001 G.O. Bond	19,827.50	07/20/2004	Check Sequence: 38	
	Check Total:	19,827.50		310-480-8000-46110	
Vendor: VISA	Visa				ACH Enabled: No
	Steel Box-Fire Dept.	9.50	07/20/2004	Check Sequence: 39	
	Check Total:	9.50		101-420-2220-44300	
Vendor: WASH-REC	Washington County				ACH Enabled: No
1142	Documents Request	7.50	07/20/2004	Check Sequence: 40	
	Check Total:	7.50		101-410-1320-44300	
Vendor: XCEL	Xcel Energy				ACH Enabled: No
0044445749180		108.34	07/20/2004	Check Sequence: 41	
0084044646179		164.98	07/20/2004	101-450-5200-43810	
0176825022179		20.96	07/20/2004	101-430-3100-43810	
0417949252179		350.80	07/20/2004	101-430-3160-43810	
0446544592179		24.53	07/20/2004	101-410-1940-43810	
0573240678179		40.71	07/20/2004	101-430-3160-43810	
0592147541180		22.67	07/20/2004	101-450-5200-43810	
0614943270179		31.85	07/20/2004	101-450-5200-43810	
0777146175179		7.41	07/20/2004	101-430-3160-43810	
1278842757180		570.24	07/20/2004	101-450-5200-43810	
1427822590180		51.99	07/20/2004	601-494-9400-43810	
1577643354179		145.76	07/20/2004	602-495-9450-43810	
1957348187179		14.20	07/20/2004	101-420-2220-43810	
2045967139181		595.00	07/20/2004	602-495-9450-43810	
				601-494-9400-43810	

Invoice No

Description

Amount

Payment Date

Acct Number

Reference

2175049940179
2332806007183

101-450-5200-43810
101-430-3160-43810

28.60 07/20/2004
1,553.09 07/20/2004
3,731.13

Check Total:

171,218.43
41

Total for Check Run:
Total Number of Checks:

RECEIVED
JUL 14 2004

CITY OF LAKE ELMO

2002 BILLING SUMMARY

MONTH	11135 Administration	11140 Criminal Pros	11145 Public Imp. Proj	11150 Community Dev	11155 Civil Litigation	11161 Auto Forfeiture	TOTAL
Jan	\$1,320.75	\$2,548.83	\$66.00	\$330.21	\$2,196.75		\$6,462.54
Feb	\$1,353.00	\$2,845.88		\$187.00	\$125.28		\$4,511.16
March	\$2,721.92	\$4,762.74		\$286.00	\$692.76		\$8,463.42
April	\$2,346.98	\$3,964.04	\$88.00		\$654.43	\$109.00	\$7,162.45
May	\$2,029.36	\$3,528.77	\$33.66	\$111.61		\$99.00	\$5,802.40
June	\$2,388.61	\$5,051.95	\$66.00	\$341.00		\$92.50	\$7,940.06
July							\$0.00
Aug							\$0.00
Sept							\$0.00
Oct							\$0.00
Nov							\$0.00
Dec							\$0.00
Totals	\$12,160.62	\$22,702.21	\$253.66	\$1,255.82	\$3,669.22	\$300.50	\$40,342.03

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

Page: 1
06/30/2004
11135M

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

ACCOUNT NO:

	FEE'S	EXPENSES	ADVANCES	BALANCE
11135-030008 SIMICH FENCE	44.00	0.00	0.00	\$44.00
11135-040001 PURCHASE OF BROOKFIELD BUILDING	484.00	0.00	0.00	\$484.00
11135-040003 MANNING TRAIL ANNEXATION	33.00	0.00	0.00	\$33.00
11135-040004 NORTHERN NATURAL GAS - PIPELINE	33.00	1.61	0.00	\$34.61
11135-040005 CARRIAGE STATION DRAINAGE EASEMENT ENCROACHMENT	154.00	0.00	0.00	\$154.00
11135-920001 Administration	1,639.00	0.00	0.00	\$1,639.00
	<u>2,387.00</u>	<u>1.61</u>	<u>0.00</u>	<u>\$2,388.61</u>

101-410-1610-43040

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 1

06/30/2004

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

ACCOUNT NO: 11135-030008M
STATEMENT NO: 6

SIMICH FENCE

	HOURS	
06/04/04 JPF Telephone conference with Simich re: status.	0.20	22.00
06/23/04 JPF Telephone conference with Simich re: status.	0.20	22.00
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>

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

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

Page: 1
06/30/2004
ACCOUNT NO: 11135-040001M
STATEMENT NO: 6

PURCHASE OF BROOKFIELD BUILDING

	HOURS	
06/03/04 JPF Telephone conference with Adm; revise purch agreement; corr same.	0.90	99.00
06/07/04 JPF Telephone conference with Ray Marshall; adm re: terms of purchase agreement.	0.40	44.00
06/10/04 JPF Telephone conference with Marshall; McDonald; review purch agreement; corr adm.	0.90	99.00
06/11/04 JPF Telephone conference with adm re: revisions.	0.30	33.00
06/15/04 JPF Telephone conference with Marshall (2); Adm (3) re: terms of purchase agreement; planner.	0.80	88.00
06/23/04 JPF Telephone conference with Marshall, Rafferty re: purch agreement terms; corr same.	1.10	121.00
Jerome P. Filla	4.40	484.00
FOR CURRENT SERVICES RENDERED	4.40	484.00
TOTAL CURRENT WORK		484.00
BALANCE DUE		<u>484.00</u>

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

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

PETERSON
FRAM & BERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 1

06/30/2004

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

ACCOUNT NO: 11135-040003M
STATEMENT NO: 4

MANNING TRAIL ANNEXATION

	HOURS	
06/24/04 JPF Letter to adm re: municipal bd order.	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>

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

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

ACCOUNT NO: 11135-920001M
STATEMENT NO: 150

Administration

	HOURS	
06/01/04 JPF Telephone conference with adm; animal control officer re: confinement of potentially dangerous and dangerous dogs; notification and classification process.	0.70	77.00
JPF Review state and city regs re: dogs; corr to CIC re: city regs.	0.90	99.00
JPF Review city code re: accessory bldg regs; tele adm and bldg inspect.	0.80	88.00
JPF Prepare for and attend council meeting; conf Adm, Planner re: accessory bldgs - RR Zones.	2.90	319.00
06/02/04 JPF Letter to L. Brucker re: city dog regs.	0.30	33.00
JPF Complete review of city acc bldg regs; corr bldg insp.	1.60	176.00
06/04/04 JPF Review city regs 1968-1974 re: applicable setbacks.	0.90	99.00
06/07/04 JPF Telephone conference with planner re: carriage station esmt; clerk re: Highlands Trail st vacation; clerk re: city records.	0.50	55.00
JPF Review SEH Trail contract; tele planner.	0.40	44.00
06/14/04 JPF Review PC agenda; council agenda.	0.40	44.00
06/15/04 JPF Prepare for and attend council meeting.	2.40	264.00
06/16/04 JPF Telephone conference with clerk re: undue hardship std.	0.20	22.00
JPF Telephone conference with Prew and clerk re: legals for vacation of Highlands Trail; corr same; prep legal.	0.80	88.00
06/17/04 JPF Review planner re: sale of Berckon ppty.	0.30	33.00

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 2

06/30/2004

ACCOUNT NO: 11135-920001M

STATEMENT NO: 150

CITY OF LAKE ELMO

Administration

	HOURS	
06/21/04 JPF Telephone conference with adm; planner re: Dolan Boat ppty; city regs.	0.40	44.00
JPF Telephone conference with planner, Atty Dietzen re: status and 60 day rule.	0.40	44.00
06/28/04 JPF Review PC agenda; tele planner.	0.70	77.00
JPF Telephone conference with Adm re: Fire Dept regs.	0.30	33.00
Jerome P. Filla	14.90	1,639.00
FOR CURRENT SERVICES RENDERED	14.90	1,639.00
TOTAL CURRENT WORK		1,639.00
BALANCE DUE		<u>\$1,639.00</u>

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 1
06/30/2004
11140M

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

ACCOUNT NO:

	FREES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	2,905.00	56.82	0.00	\$2,961.82
11140-030219 Zafft, Marsha Ann criminal damage to property	30.00	0.00	1,152.63	\$1,182.63
11140-030225 Wetterstrom, William serious/fatal crash report	0.00	0.00	45.00	\$45.00
11140-040008 Tamasese, Joseph violate OFF	27.50	0.00	0.00	\$27.50
11140-040009 Armstrong, Casey Robert GM-false info to police, no ins.	5.00	0.00	0.00	\$5.00
11140-040065 Mackey, Paul Joseph GM-DAC, Gm-false info to police	35.00	0.00	0.00	\$35.00
11140-040078 Schmidt, Lance Nicholas theft by check	5.00	0.00	0.00	\$5.00
11140-040104 Rodriguez, Ramon James Violation of Protection Order	5.00	0.00	0.00	\$5.00

101-410-1610-43045-5051.95

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

CITY OF LAKE ELMO

ACCOUNT NO:

	FEES	EXPENSES	ADVANCES	BALANCE
11140-040105 Rychlik, Waclaw Andrew 2nd degree DUI	112.50	0.00	0.00	\$112.50
11140-040109 Ajuchan, Carlos no insurance, no MN DL, fail to yield to emergency vehicle	5.00	0.00	0.00	\$5.00
11140-040113 Jarosch, Katherine Lillian OFF Violation	30.00	0.00	0.00	\$30.00
11140-040117 Torbenson, Jane Marie DAR	5.00	0.00	0.00	\$5.00
11140-040118 Weinand, Mark Allen school bus arm violation	5.00	0.00	0.00	\$5.00
11140-040123 Wieland, Tabitha inattentive driving	5.00	0.00	0.00	\$5.00
11140-040125 Boucher, Paul Michael speed 53/40	25.00	0.00	0.00	\$25.00
11140-040127 Wenzel, Jacob Michael domestic assault	42.50	0.00	0.00	\$42.50
11140-040128 Levasseur, Daniel Joseph theft	22.50	0.00	0.00	\$22.50

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

CITY OF LAKE ELMO

ACCOUNT NO:

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040129 Romero, Roman Joseph DAR, speed	35.00	0.00	0.00	\$35.00
11140-040130 Marchio, James Anthony 3rd degree DUI	15.00	0.00	0.00	\$15.00
11140-040131 McShannock, Duncan John test refusal (GM), 4th degree DUI	62.50	0.00	0.00	\$62.50
11140-040132 Thorsen, Kyle Theodore 3rd degree DUI	67.50	0.00	0.00	\$67.50
11140-040133 Van Allen, Kenneth J. domestic assault	5.00	0.00	0.00	\$5.00
11140-040136 Ramirez, Alicia Dawn assault	5.00	0.00	0.00	\$5.00
11140-040137 Rodriguez, Ramon J. Violate OFP	5.00	0.00	0.00	\$5.00
11140-040138 Rodriguez, Ramon J. Violate OFP	5.00	0.00	0.00	\$5.00
11140-040139 Larson, Joel Timothy fence violation around pool	5.00	0.00	0.00	\$5.00
11140-040143 Brockenberg, Carol Ann improper lane use	10.00	0.00	0.00	\$10.00

THIS STATEMENT IS DUE AND PAYABLE TO THE END OF THE MONTH.

PAYMENTS RECEIVED AFTER THE LAST DAY OF THE MONTH WILL BE CREDITED TO THE NEXT MONTH'S STATEMENT.

PLEASE RETURN ONE COPY OF STATEMENT WITH PAYMENT.

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 4
06/30/2004
11140M

CITY OF LAKE ELMO

ACCOUNT NO:

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040144 Schlaepfi, Bradford James DAS, no seat belt	5.00	0.00	0.00	\$5.00
11140-040146 Tjosvold, Brian Keith domestic assault	5.00	0.00	0.00	\$5.00
11140-040147 Barslou, Daniel Leroy no insurance, no headlights in inclement weather	5.00	0.00	0.00	\$5.00
11140-040148 Meyer, William Henry GM-child neglect	52.50	0.00	0.00	\$52.50
11140-040149 Haltiner, Eva Mae shoplifting	27.50	0.00	0.00	\$27.50
11140-040150 Wilson, Allen Dale DAS, possess mj in mv, possess drug paraphenilia	27.50	0.00	0.00	\$27.50
11140-040152 Robert, Christy Jean 4th degree DUI, 4th degree .10	10.00	0.00	0.00	\$10.00
11140-040156 Flaherty, Sean Gregory GM-test refusal, 4th degree DUI	62.50	0.00	0.00	\$62.50
11140-040157 Wright, Donald W. DUI, crim. damage to property	22.50	0.00	0.00	\$22.50

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 5
06/30/2004
11140M

CITY OF LAKE ELMO

ACCOUNT NO:

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040158 Schmidt, Brian Anthony DAC-IPS	47.50	0.00	0.00	\$47.50
11140-040160 Peterson, Matthew J. DOC	5.00	0.00	0.00	\$5.00
11140-040162 Johnson, Stuart Speed 82/65	10.00	0.00	0.00	\$10.00
11140-040164 Virock, Steven Michael GM-DAC-IPS, small amount of mari juana in mv, possess drug para.	15.00	0.00	0.00	\$15.00
11140-040165 Larson, Thor Joseph GM test refusal, 4th degree DUI	22.50	0.00	0.00	\$22.50
	<u>3,797.50</u>	<u>56.82</u>	<u>1,197.63</u>	<u>\$5,051.95</u>

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

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

Page: 1
06/30/2004
ACCOUNT NO: 11145M

	FEES	EXPENSES	ADVANCES	BALANCE
11145-040002 HAGBERG - VFW BALL FIELD EASEMENT	66.00	0.00	0.00	\$66.00
	<u>66.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$66.00</u>

410-480-800-43040

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

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

Page: 1
06/30/2004
ACCOUNT NO: 11145-040002M
STATEMENT NO: 3

HAGBERG - VFW BALL FIELD EASEMENT

	HOURS	
06/16/04 JPF Telephone conference with clerk; Prew; revise Hagberg esmt; corr same.	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>

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

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

PETERSON
FRAM & BERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 1
06/30/2004
11150M

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

ACCOUNT NO:

	FEEES	EXPENSES	ADVANCES	BALANCE
11150-000003 RECO Property Permits	319.00	0.00	0.00	\$319.00
11150-040004 WHISTLING VALLEY SECOND ADDITION	22.00	0.00	0.00	\$22.00
	<u>341.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$341.00</u>

803-490-9070-43040

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

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

Page: 1
06/30/2004
ACCOUNT NO: 11150-000003M
STATEMENT NO: 21

RECO Property Permits

	HOURS	
06/07/04 JPF Review RECO extension agreement; rev 15.99 and case law; tele planner.	0.90	99.00
06/18/04 JPF Telephone conference with Dietzen re: prelim plat; final plat; 15.99; rev stat and case law; tele planner; review city code.	1.10	121.00
06/25/04 JPF Review city and state regs re: status of RE co plat; tele planner; tele Atty Deitzen.	0.90	99.00
Jerome P. Filla	2.90	319.00
FOR CURRENT SERVICES RENDERED	2.90	319.00
TOTAL CURRENT WORK		319.00
BALANCE DUE		<u>\$319.00</u>

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

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

Page: 1
06/30/2004
ACCOUNT NO: 11150-040004M
STATEMENT NO: 5

WHISTLING VALLEY SECOND ADDITION

	HOURS	
06/04/04 JPF Telephone conference with Land Trust re: status cons esmt.	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>

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 1
06/30/2004
11161M

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

ACCOUNT NO:

	FEEES	EXPENSES	ADVANCES	BALANCE
11161-040001 Belluzzo, Jennifer Lynn vehicle forfeiture	37.50	0.00	0.00	\$37.50
11161-040002 Rychlik, Waclaw Andrew vehicle forfeiture	55.00	0.00	0.00	\$55.00
	<u>92.50</u>	<u>0.00</u>	<u>0.00</u>	<u>\$92.50</u>

101-410-1610-43045

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 1

06/30/2004

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

ACCOUNT NO: 11161-040001M
STATEMENT NO: 3

Belluzzo, Jennifer Lynn
vehicle forfeiture

	HOURS	
06/24/04 CSM Review file.	0.50	37.50
Cameron S. McLelland	0.50	37.50
FOR CURRENT SERVICES RENDERED	0.50	37.50
TOTAL CURRENT WORK		37.50
BALANCE DUE		<u>\$37.50</u>

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

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

PETERSON
FRAMBERGMAN
PROFESSIONAL ASSOCIATION

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

Page: 1

06/30/2004

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

ACCOUNT NO: 11161-040002M
STATEMENT NO: 3

Rychlik, Waclaw Andrew
vehicle forfeiture

	HOURS	
06/04/04 JPF Telephone conference with clerk of ct re: scheduling order.	0.20	22.00
06/23/04 JPF Letter to deft atty re: affid of prior conviction.	0.30	33.00
Jerome P. Filla	0.50	55.00
FOR CURRENT SERVICES RENDERED	0.50	55.00
TOTAL CURRENT WORK		55.00
BALANCE DUE		<u>\$55.00</u>

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

Lake Elmo City Council July 20, 2004	Agenda Section: Consent Agenda	<u>No. 4.B</u>
---	---------------------------------------	-----------------------

Agenda Item: Consent Item: Hire Finance Specialist

Background Information for July 6, 2004:

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.

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.

The individual selected, Hristo Galiov, has accepted the position for the compensation as budgeted and as planned for in the 2004 budget.

<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>	
-----------------------------------	--

Monthly Operating Report

5A

As of 7/16/2004 (Periods 1-7)	Description	Budget	Per Range Amt	Variance	Comments
	Mayor & Council				
	Part-time Salaries	\$12,100.00	\$5,667.00	\$6,433.00	
	FICA Contributions	\$750.00	\$583.85	\$166.15	
	Medicare Contributions	\$176.00	\$136.54	\$39.46	
	Travel Expense	\$450.00	\$3,750.00	-\$3,300.00	
	Miscellaneous	\$4,000.00	\$14,668.28	-\$10,668.28	
	Dues & Subscriptions	\$5,500.00	\$2,477.00	\$3,023.00	
	Conferences & Training	\$5,000.00	\$12.00	\$4,988.00	
	Sub-Total	\$27,976.00	\$27,294.67	\$681.33	
	Administration				
	Full-time Salaries	\$124,020.00	\$54,481.45	\$69,538.55	
	PERA Contributions	\$6,858.00	\$2,260.69	\$4,597.31	
	FICA Contributions	\$7,689.00	\$3,393.95	\$4,295.05	
	Medicare Contributions	\$1,798.00	\$793.78	\$1,004.22	
	Health/Dental Insurance	\$21,834.00	\$7,187.22	\$14,646.78	
	Workers Compensation	\$1,688.00	\$0.00	\$1,688.00	
	Office Supplies	\$7,000.00	\$3,292.36	\$3,707.64	
	Printed Forms	\$800.00	\$188.29	\$611.71	
	Newsletter/Website	\$14,000.00	\$3,412.56	\$10,587.44	
	Postage	\$9,500.00	\$4,899.54	\$4,600.46	
	Travel Expense	\$1,500.00	\$260.00	\$1,240.00	
	Legal Publishing	\$6,000.00	\$1,832.48	\$4,167.52	
	Insurance	\$27,360.00	\$29,581.00	-\$2,221.00	Annual Premiums Paid
	Miscellaneous	\$6,000.00	\$3,048.59	\$2,951.41	
	Dues & Subscriptions	\$1,500.00	\$1,799.66	-\$299.66	
	Books	\$500.00	\$0.00	\$500.00	
	Conferences & Training	\$2,500.00	\$20.00	\$2,480.00	
	Transfer Out	\$70,500.00	\$0.00	\$70,500.00	
	Sub-Total	\$311,047.00	\$116,451.57	\$194,595.43	
	Elections				
	Part-time Salaries	\$7,000.00	\$191.67	\$6,808.33	
	Office Supplies	\$100.00	\$0.00	\$100.00	
	Printed Forms	\$300.00	\$0.00	\$300.00	
	Travel Expense	\$50.00	\$0.00	\$50.00	
	Miscellaneous	\$800.00	\$340.00	\$460.00	
	Sub-Total	\$8,250.00	\$531.67	\$7,718.33	

Description	Budget	Per Range Amt	Variance	Comments
Finance				
Full-time Salaries	\$41,432.00	\$12,481.60	\$28,950.40	
PERA Contributions	\$2,569.00	\$622.94	\$1,946.06	
FICA Contributions	\$2,291.00	\$774.86	\$1,516.14	
Medicare Contributions	\$601.00	\$181.25	\$419.75	
Health/Dental Insurance	\$7,318.00	\$1,256.30	\$6,061.70	
Office Supplies	\$800.00	\$0.00	\$800.00	
Printed Forms	\$1,000.00	\$28.12	\$971.88	
Software Support	\$4,000.00	\$1,475.00	\$2,525.00	
Hardware Support	\$2,000.00	\$1,058.50	\$941.50	
Software Programs	\$3,000.00	\$500.00	\$2,500.00	
Travel Expense	\$1,000.00	\$16.00	\$984.00	
Miscellaneous	\$200.00	\$240.70	-\$40.70	
Books	\$200.00	\$0.00	\$200.00	
Conferences & Training	\$1,000.00	\$20.00	\$980.00	
Sub-Total	\$67,411.00	\$18,655.27	\$48,755.73	
Accounting Services	\$24,000.00	\$18,856.29	\$5,143.71	
Assessing Services	\$35,000.00	\$10,200.00	\$24,800.00	
Legal Services	\$15,000.00	\$16,021.84	-\$1,021.84	
Civil Attorney Criminal	\$45,000.00	\$23,002.71	\$21,997.29	
Sub-Total	\$60,000.00	\$39,024.55	\$20,975.45	
Planning & Zoning				
Full-time Salaries	\$75,586.00	\$37,119.95	\$38,466.05	
PERA Contributions	\$4,180.00	\$2,903.73	\$1,276.27	
FICA Contributions	\$4,686.00	\$2,315.91	\$2,370.09	
Medicare Contributions	\$1,096.00	\$541.57	\$554.43	
Health/Dental Insurance	\$11,686.00	\$4,674.79	\$7,011.21	
Workers Compensation	\$847.00	\$0.00	\$847.00	
Office Supplies	\$500.00	\$36.75	\$463.25	
Printed Forms	\$500.00	\$0.00	\$500.00	
Zoning Ordinance Dev - CDBG	\$0.00	\$8,776.97	-\$8,776.97	Expense offset by Grant received from Washington County \$ 49,666
Cimarron Study - CDBG	\$10,000.00	\$0.00	\$10,000.00	
Comprehensive Planning	\$10,000.00	\$0.00	\$10,000.00	
Engineering Services	\$2,500.00	\$7,868.99	-\$5,368.99	
Legal Services	\$1,000.00	\$341.00	\$659.00	
Infiltration Project	\$0.00	\$21,505.16	-\$21,505.16	Expense offset by Grant received from METC \$29,501.00
Old Village Tax Abatement	\$73,148.00	\$15,308.88	\$57,839.12	
Travel Expense	\$2,000.00	\$631.75	\$1,368.25	
Miscellaneous	\$200.00	\$0.00	\$200.00	
Dues & Subscriptions	\$500.00	\$710.00	-\$210.00	
Books	\$200.00	\$0.00	\$200.00	
Conferences & Training	\$2,500.00	\$635.36	\$1,864.64	
Sub-Total	\$201,129.00	\$103,370.81	\$97,758.19	

Description	Budget	Per Range Amt	Variance	Comments
Engineering Services	\$26,000.00	\$10,276.63	\$15,723.37	
Attorney Fees	\$100,000.00	\$77,442.48	\$22,557.52	
Gov't Buildings				
Cleaning Supplies	\$500.00	\$49.63	\$450.37	
Building Repair Supplies	\$500.00	\$85.62	\$414.38	
Telephone	\$6,500.00	\$2,071.69	\$4,428.31	
Electric Utility	\$5,000.00	\$2,698.25	\$2,301.75	
Refuse	\$2,040.00	\$609.24	\$1,430.76	
Repairs/Maint Contractual Bldg	\$8,000.00	\$5,984.92	\$2,015.08	
Repairs/Maint Contractual Eqpt	\$6,000.00	\$3,242.16	\$2,757.84	
Miscellaneous	\$400.00	\$345.31	\$54.69	
Sub-Total	\$28,940.00	\$15,086.82	\$13,853.18	
Law Enforcement Contract	\$322,000.00	\$157,791.08	\$164,208.92	
Transfer Out	\$15,000.00	\$0.00	\$15,000.00	
Sub-Total	\$337,000.00	\$157,791.08	\$179,208.92	
Fire				
Full-time Salaries	\$17,434.00	\$5,731.21	\$11,702.79	
Part-time Salaries	\$93,850.00	\$62,679.09	\$31,170.91	
PERA Contributions	\$964.00	\$307.77	\$656.23	
FICA Contributions	\$5,583.00	\$4,241.97	\$1,341.03	
Medicare Contributions	\$1,306.00	\$992.10	\$313.90	
Health/Dental Insurance	\$3,127.00	\$677.62	\$2,449.38	
Workers Compensation	\$2,469.00	\$0.00	\$2,469.00	
Office Supplies	\$1,500.00	\$133.03	\$1,366.97	
Printed Forms	\$750.00	\$0.00	\$750.00	
EMS Supplies	\$2,000.00	\$0.00	\$2,000.00	
Fire Prevention	\$4,000.00	\$0.00	\$4,000.00	
Fuel	\$4,500.00	\$1,097.09	\$3,402.91	
Equipment Parts	\$0.00	\$348.00	-\$348.00	
Building Repair Supplies	\$1,000.00	\$56.45	\$943.55	
Small Tools & Equipment	\$1,200.00	\$486.27	\$713.73	
Physicals	\$2,000.00	\$2,344.00	-\$344.00	
Telephone	\$4,600.00	\$1,448.06	\$3,151.94	
Radio	\$7,500.00	\$97.40	\$7,402.60	
Travel Expense	\$2,000.00	\$1,156.85	\$843.15	
Vehicle Insurance	\$11,792.00	\$12,908.00	-\$1,116.00	Annual Premiums Paid
Electric Utility	\$4,400.00	\$2,740.82	\$1,659.18	
Repairs/Maint Contractual Bldg	\$7,000.00	\$3,595.00	\$3,405.00	
Repairs/Maint Contractual Eqpt	\$23,000.00	\$3,830.83	\$19,169.17	
Rentals - Building	\$1,080.00	\$630.00	\$450.00	

Description	Budget	Per Range Amt	Variance	Comments
Uniforms	\$9,500.00	\$2,012.53	\$7,487.47	
Miscellaneous	\$1,300.00	\$3,850.95	-\$2,550.95	New Laptop Set Expense \$2560.00-To be Offset by Grant funds received from Co.
Dues & Subscriptions	\$2,300.00	\$2,422.45	-\$122.45	
Books	\$200.00	\$0.00	\$200.00	
Conferences & Training	\$15,000.00	\$5,485.00	\$9,515.00	
Pension Contribution	\$41,000.00	\$0.00	\$41,000.00	
Fire State Aid	\$25,000.00	\$0.00	\$25,000.00	
Equipment	\$10,000.00	\$711.89	\$9,288.11	
Transfer Out	\$60,000.00	\$0.00	\$60,000.00	
Sub-Total	\$367,355.00	\$119,984.38	\$247,370.62	
Building Inspections				
Full-time Salaries	\$113,365.00	\$59,014.36	\$54,350.64	
PERA Contributions	\$6,292.00	\$2,859.88	\$3,432.12	
FICA Contributions	\$7,029.00	\$3,667.98	\$3,361.02	
Medicare Contributions	\$1,644.00	\$857.84	\$786.16	
Health/Dental Insurance	\$23,588.00	\$8,281.93	\$15,306.07	
Workers Compensation	\$616.00	\$0.00	\$616.00	
Office Supplies	\$1,000.00	\$370.62	\$629.38	
Printed Forms	\$1,500.00	\$354.59	\$1,145.41	
Fuel	\$3,000.00	\$151.13	\$2,848.87	
Engineer Serv Utility Permits	\$3,000.00	\$0.00	\$3,000.00	
Plan Review Charges	\$5,000.00	\$0.00	\$5,000.00	
Surcharge Payments	\$13,500.00	\$663.10	\$12,836.90	
Telephone	\$0.00	\$685.66	-\$685.66	Cell Phone Expense
Travel Expense	\$1,000.00	\$130.00	\$870.00	
Insurance	\$877.00	\$872.00	\$5.00	
Repairs/Maint Contractual Eqpt	\$500.00	\$963.92	-\$463.92	
Rentals - Building	\$4,000.00	\$2,236.50	\$1,763.50	
Uniforms	\$600.00	\$156.93	\$443.07	
Miscellaneous	\$200.00	\$208.41	-\$8.41	
Dues & Subscriptions	\$300.00	\$290.00	\$10.00	
Books	\$300.00	\$0.00	\$300.00	
Conferences & Training	\$2,500.00	\$450.00	\$2,050.00	
Transfer Out	\$5,000.00	\$0.00	\$5,000.00	
Sub-Total	\$194,811.00	\$82,214.85	\$112,596.15	
Civil Defense	\$9,000.00	\$0.00	\$9,000.00	
Animal Control				
Printed Forms	\$500.00	\$0.00	\$500.00	
Contract Services	\$5,600.00	\$4,400.54	\$1,199.46	
Impounding	\$6,000.00	\$0.00	\$6,000.00	
Miscellaneous	\$400.00	\$0.00	\$400.00	
Sub-Total	\$12,500.00	\$4,400.54	\$8,099.46	

Description	Budget	Per Range Amt	Variance	Comments
Public Works				
Full-time Salaries	\$106,087.00	\$51,476.78	\$54,610.22	
Part-time Salaries	\$0.00	\$900.00	-\$900.00	Salary Split between Part-Time Parks
PERA Contributions	\$5,867.00	\$2,497.71	\$3,369.29	
FICA Contributions	\$6,577.00	\$3,247.95	\$3,329.05	
Medicare Contributions	\$1,538.00	\$759.62	\$778.38	
Health/Dental Insurance	\$24,607.00	\$6,833.79	\$17,773.21	
Workers Compensation	\$3,773.00	\$0.00	\$3,773.00	
Office Supplies	\$300.00	\$28.11	\$271.89	
Fuel	\$8,500.00	\$6,428.07	\$2,071.93	
Shop Materials	\$2,500.00	\$944.12	\$1,555.88	
Equipment Parts	\$10,000.00	\$2,171.11	\$7,828.89	
Building Repair Supplies	\$1,000.00	\$612.09	\$387.91	
Street Maintenance Materials	\$22,500.00	\$505.04	\$21,994.96	
Landscaping Materials	\$2,500.00	\$325.79	\$2,174.21	
Sign Repair Materials	\$4,000.00	\$786.77	\$3,213.23	
Sand/Salt	\$20,000.00	\$4,808.16	\$15,191.84	
Small Tools & Minor Equipment	\$1,500.00	\$474.32	\$1,025.68	
Engineering Services	\$2,000.00	\$0.00	\$2,000.00	
Contract Services	\$22,500.00	\$26,341.96	-\$3,841.96	Street Sweeping \$ 17086 Snow Plowing \$9738.00 Roads Graded 2603.00
Telephone	\$3,750.00	\$1,189.73	\$2,560.27	
Radio	\$200.00	\$0.00	\$200.00	
Travel Expense	\$500.00	\$10.00	\$490.00	
Insurance	\$11,265.00	\$13,603.00	-\$2,338.00	Annual Premiums Paid
Electric Utility	\$6,500.00	\$3,923.29	\$2,576.71	
Refuse	\$250.00	\$635.34	-\$385.34	Budget Error Past Budget classified into Contract Services
Repairs/Maint Contractual Bldg	\$2,000.00	\$1,028.00	\$972.00	
Repairs/Maint Imp Not Bldgs	\$1,500.00	\$1,411.11	\$88.89	
Repairs/Maint Contractual Eqpt	\$4,500.00	\$3,624.80	\$875.20	
Rentals - Buildings	\$1,500.00	\$0.00	\$1,500.00	
Uniforms	\$900.00	\$761.35	\$138.65	
Miscellaneous	\$2,000.00	\$1,239.26	\$760.74	
Dues & Subscriptions	\$500.00	\$150.00	\$350.00	
Conferences & Training	\$500.00	\$100.00	\$400.00	
Clean-up Days	\$9,500.00	\$11,282.74	-\$1,782.74	Expense offset with Gate Receipts
Other Equipment	\$12,250.00	\$0.00	\$12,250.00	
Transfer Out	\$78,693.00	\$0.00	\$78,693.00	
Sub-Total	\$382,057.00	\$148,100.01	\$233,956.99	
Street Lighting	\$16,800.00	\$8,342.52	\$8,457.48	

Description	Budget	Per Range Amt	Variance	Comments
Sanitation				
Recycling Supplies	\$6,000.00	\$0.00	\$6,000.00	
Newsletter	\$5,000.00	\$0.00	\$5,000.00	
Miscellaneous	\$7,100.00	\$0.00	\$7,100.00	
Sub-Total	\$18,100.00	\$0.00	\$18,100.00	
Parks				
Full-time Salaries	\$58,215.00	\$26,481.48	\$31,733.52	
Part-time Salaries	\$23,550.00	\$11,693.94	\$11,856.06	
PERA Contributions	\$3,219.00	\$1,521.40	\$1,697.60	
FICA Contributions	\$5,069.00	\$2,369.46	\$2,699.54	
Medicare Contributions	\$1,186.00	\$554.19	\$631.81	
Health/Dental Insurance	\$9,916.00	\$2,476.19	\$7,439.81	
Workers Compensation	\$2,819.00	\$0.00	\$2,819.00	
Office Supplies	\$250.00	\$0.00	\$250.00	
Fuel	\$2,200.00	\$248.49	\$1,951.51	
Shop Materials	\$1,000.00	\$105.96	\$894.04	
Chemicals	\$500.00	\$0.00	\$500.00	
Equipment Parts	\$4,000.00	\$559.51	\$3,440.49	
Building Repair Supplies	\$1,000.00	\$153.57	\$846.43	
Landscaping Materials	\$10,000.00	\$2,335.19	\$7,664.81	
Small Tools & Minor Equipment	\$1,000.00	\$45.49	\$954.51	
Telephone	\$1,500.00	\$635.71	\$864.29	
Travel Expense	\$0.00	\$40.00	-\$40.00	
Insurance	\$2,900.00	\$3,084.00	-\$184.00	Annual Premiums Paid
Electric Utility	\$6,050.00	\$3,145.88	\$2,904.12	
Refuse	\$2,400.00	\$1,103.76	\$1,296.24	
Repairs/Maint Contractual Bldg	\$2,000.00	\$1,060.93	\$939.07	
Repairs/Maint Imp Not Bldgs	\$5,000.00	\$317.90	\$4,682.10	
Repairs/Maint Contractual Eqpt	\$1,000.00	\$6.38	\$993.62	
Rentals - Buildings	\$2,500.00	\$2,248.33	\$251.67	
Uniforms	\$400.00	\$52.37	\$347.63	
Miscellaneous	\$100.00	\$128.00	-\$28.00	
Dues & Subscriptions	\$100.00	\$50.00	\$50.00	
Conferences & Training	\$400.00	\$0.00	\$400.00	
Transfer Out	\$16,500.00	\$0.00	\$16,500.00	
Sub-Total	\$164,774.00	\$60,418.13	\$104,355.87	
General Fund Total	\$2,392,150.00	\$1,018,442.27	\$1,373,707.73	

Description	Budget	Per Range Amt	Variance	Comments
Water Operating Enterprise				
Full-time Salaries	\$61,939.00	\$37,187.57	\$24,751.43	
PERA Contributions	\$3,425.00	\$1,806.69	\$1,618.31	
FICA Contributions	\$3,840.00	\$2,310.52	\$1,529.48	
Medicare Contributions	\$898.00	\$540.35	\$357.65	
Health/Dental Insurance	\$9,171.00	\$4,031.65	\$5,139.35	
Workers Compensation	\$890.00	\$0.00	\$890.00	
Office Supplies	\$100.00	\$0.00	\$100.00	
Printed Forms	\$1,050.00	\$202.36	\$847.64	
Chemicals	\$2,000.00	\$439.31	\$1,560.69	
Utility System Maintenance	\$1,200.00	\$1,033.93	\$166.07	
Water Meters & Supplies	\$16,000.00	\$1,505.59	\$14,494.41	
Small Tools & Minor Equipment	\$197.00	\$255.43	-\$58.43	
Engineering Services	\$2,500.00	\$2,253.55	\$246.45	
Software Support	\$4,000.00	\$379.00	\$3,621.00	
Telephone	\$2,000.00	\$640.68	\$1,359.32	
Postage	\$650.00	\$0.00	\$650.00	
Travel Expense	\$600.00	\$351.00	\$249.00	
Insurance	\$2,380.00	\$2,985.00	-\$605.00	
Electric Utility	\$12,000.00	\$6,869.71	\$5,130.29	
Water Utility	\$35,000.00	\$28,889.98	\$6,110.02	
Repairs/Maint Imp Not Bldgs	\$1,000.00	\$5,136.26	-\$4,136.26	Retapp Three Water Connections-3100; Repair of Water Main Break 1049
Miscellaneous	\$5,000.00	\$1,359.00	\$3,641.00	
Conferences & Training	\$500.00	\$110.00	\$390.00	
Other Equipment	\$1,800.00	\$0.00	\$1,800.00	
Sub-Total	\$168,140.00	\$98,287.58	\$69,852.42	
Sewer				
Full-time Salaries	\$17,594.00	\$8,877.09	\$8,716.91	
PERA Contributions	\$973.00	\$420.93	\$552.07	
FICA Contributions	\$1,091.00	\$551.77	\$539.23	
Medicare Contributions	\$255.00	\$129.06	\$125.94	
Health/Dental Insurance	\$2,375.00	\$870.39	\$1,504.61	
Workers Compensation	\$328.00	\$0.00	\$328.00	
Utility System Maint Supplies	\$524.00	\$58.56	\$465.44	
Small Tools & Minor Equipment	\$200.00	\$0.00	\$200.00	
Engineering Services	\$1,500.00	\$4,235.05	-\$2,735.05	Services for Lift Station Upgrades
Telephone	\$1,150.00	\$759.01	\$390.99	
Travel Expense	\$0.00	\$22.00	-\$22.00	
Electric Utility	\$1,225.00	\$879.44	\$345.56	
Repairs/Maint Imp Not Bldgs	\$1,000.00	\$2,511.29	-\$1,511.29	
Miscellaneous Expenses	\$0.00	\$300.00	-\$300.00	
Conferences & Training	\$0.00	\$189.20	-\$189.20	
Sub-Total	\$28,215.00	\$19,803.79	\$8,411.21	

Description	Budget	Per Range Amt	Variance	Comments
Surface Water Utility				
Full-time Salaries	\$24,751.00	\$0.00	\$24,751.00	
PERA Contributions	\$1,369.00	\$0.00	\$1,369.00	
FICA Contributions	\$1,535.00	\$0.00	\$1,535.00	
Medicare Contributions	\$359.00	\$0.00	\$359.00	
Health/Dental Insurance	\$4,771.00	\$0.00	\$4,771.00	
Workers' Compensation	\$340.00	\$0.00	\$340.00	
Office Supplies	\$500.00	\$0.00	\$500.00	
Utility System Maint Supplies	\$2,162.00	\$0.00	\$2,162.00	
Small Tools & Minor Equipment	\$1,000.00	\$0.00	\$1,000.00	
Engineering Services	\$4,500.00	\$9,166.00	-\$4,666.00	Initial Set-up Expense
Erosion Control	\$2,100.00	\$0.00	\$2,100.00	
Software Support	\$1,000.00	\$4,050.00	-\$3,050.00	Initial Set-up Expense
Postage	\$1,576.00	\$515.00	\$1,061.00	
Contract Services	\$2,000.00	\$0.00	\$2,000.00	
Repairs/Maint Not Bldg	\$2,000.00	\$0.00	\$2,000.00	
Miscellaneous Expenses	\$0.00	\$348.26	-\$348.26	
Transfer Out	\$30,315.00	\$0.00	\$30,315.00	
Sub-Total	\$80,278.00	\$14,079.26	\$66,198.74	
Total Enterprise Operating	\$276,633.00	\$132,170.63	\$144,462.37	
Grand Total	\$2,668,783.00	\$1,150,612.90	\$1,518,170.10	

7A

Summary Building Report

June-2004			Year to Date		
	Permits Issued	Valuation		Permits Issued	Valuation
New Residential	2	\$839,000.00	New Residential	7	\$4,096,968.00
New Commercial	2	\$500,000.00	New Commercial	4	\$1,000,000.00
Other Residential	35	\$444,051.00	Other Residential	158	\$1,837,888.00
Other Commercial	2	\$320,000.00	Other Commercial	17	\$744,783.00
Total	41	\$2,103,051.00	Total	186	\$7,679,639.00

Total Building Fees Collected \$25,659.37

Total Building Fees Collected \$101,486.75

Summary Plumbing Report

Summary Plumbing Report

Plumbing	15	\$155,253.00
Total Plumbing Fees Collected		\$1,206.50

Plumbing	55	\$466,754.00
Total Plumbing Fees Collected		\$4,078.75

Summary HVAC Report

Summary HVAC Report

HVAC	11	\$69,400.00
Total HVAC Fees Collected		\$955.50

HVAC	59	\$275,158.00
Total HVAC Fees Collected		\$4,082.75

Summary Grand Total Fees \$27,821.37

Summary Grand Total Fees \$109,648.25

Surcharge Fee Paid to State \$1,037.58
 SAC Fees Paid to Met Council \$0.00
 WAC Fees Paid to Oakdale \$0.00
 Misc. Expenses

Surcharge Fee Paid to State 3,802.70
 SAC Fees Paid to Met Council 0.00
 WAC Fees Paid to Oakdale 0.00
 Misc. Expenses 0.00

Total Fees Retained \$26,783.79

Total Fees Retained \$105,845.55

Credit Fees to Bldg \$26,783.79
 Credit Fees to Water \$0.00
 Credit Fees to Sewer \$0.00

Credit Fees to Bldg 105,220.55
 Credit Fees to Water 400.00
 Credit Fees to Sewer 225.00

**City of Lake Elmo
Building Department**

Building Permit Detail Summary

June 01, 2004 Through June 30, 2004

Occupancy

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4096	driveway	6/3/2004	Single Family Dwelling	5,700
Totals for Class Of Work: Add				5,700
Number of Permits = 1				
Sum of Valuation =				5,700

Totals for Occupancy:

Number of Permits = 1

Sum of Valuation =

5,700

Occupancy

Class Of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4135	reeroof	6/28/2004	School	295,000
Totals for Class Of Work: Repair				295,000
Number of Permits = 1				
Sum of Valuation =				295,000

Totals for Occupancy:

Number of Permits = 1

Sum of Valuation =

295,000

Occupancy B

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4140	Remodel	6/30/2004	Commercial	25,000
Totals for Class Of Work: Remodel				25,000
Number of Permits = 1				
Sum of Valuation =				25,000

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4113	Commercial	6/14/2004	Office Building	250,000
4112	Commercial	6/14/2004	Commercial	250,000
Totals for Class Of Work: New				Sum of Valuation = 500,000

Totals for Occupancy: B

Number of Permits = 3

Sum of Valuation = 525,000

Occupancy U-1

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4109	Garage	6/10/2004	Single Family Dwelling	50,000
Totals for Class Of Work: Add				Sum of Valuation = 50,000

Class Of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4138	reroof	6/29/2004	Single Family Dwelling	5,910
Totals for Class Of Work: Repair				Sum of Valuation = 5,910

Totals for Occupancy: U-1

Number of Permits = 2

Sum of Valuation = 55,910

Occupancy R-3

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4100	Deck	6/7/2004	Single Family Dwelling	2,283
4091	mobile home setup	6/2/2004	Single Family Dwelling	3,500
4108	addition & remodel	6/9/2004	Single Family Dwelling	80,000
4107	Deck	6/9/2004	Single Family Dwelling	4,000
4106	Finish Garage	6/8/2004	Single Family Dwelling	700
4103	driveway	6/7/2004	Single Family Dwelling	3,500
4110	swimming pool	6/11/2004	Single Family Dwelling	20,000
4101	Fireplace	6/7/2004	Single Family Dwelling	2,000
4098	Other	6/4/2004	Single Family Dwelling	800
4094	Deck	6/2/2004	Mobile Home	750
4093	addition	6/2/2004	Single Family Dwelling	30,000
4092	mobile home setup	6/2/2004	Single Family Dwelling	3,500
4102	void permit	6/7/2004	Single Family Dwelling	800
4126	Deck	6/22/2004	Single Family Dwelling	2,000
4114	Deck	6/15/2004	Single Family Dwelling	4,000
4116	Garage	6/15/2004	Single Family Dwelling	20,562
4133	mobile home setup	6/25/2004	Mobile Home	2,000
4120	Deck	6/17/2004	Single Family Dwelling	2,500
4130	Deck	6/23/2004	Single Family Dwelling	3,500

4121 addition 6/17/2004 Single Family Dwelling 22,400
Totals for Class Of Work: Add Number of Permits = 20 **Sum of Valuation = 208,795**

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4141	Remodel	6/30/2004	Single Family Dwelling	45,000
4128	Roof Replacement and Windows	6/22/2004	Single Family Dwelling	4,000
4099	Roof Replacement	6/7/2004	Mobile Home	400
4125	Remodel	6/21/2004	Single Family Dwelling	750
4105	Siding & Window Replacement	6/8/2004	Single Family Dwelling	39,000
4115	Basement finish (includes pling&htg)	6/15/2004	Single Family Dwelling	8,000
Totals for Class Of Work: Remodel Number of Permits = 6				Sum of Valuation = 97,150

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4142	New House	6/30/2004	Single Family Dwelling	189,000
4123	New House	6/17/2004	Single Family Dwelling	650,000
Totals for Class Of Work: New Number of Permits = 2				Sum of Valuation = 839,000

Class Of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4111	driveway	6/11/2004	Single Family Dwelling	5,418
4104	reroof	6/7/2004	Single Family Dwelling	18,128
4117	Roof Replacement	6/15/2004	Single Family Dwelling	4,950
4134	Other	6/25/2004	Single Family Dwelling	28,000
Totals for Class Of Work: Repair Number of Permits = 4				Sum of Valuation = 56,496

Class Of Work: Alter

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4097	Excavation & Grading	6/3/2004	Excavation & Grading	10,000
4095	swimming pool	6/2/2004	Single Family Dwelling	10,000

Totals for Class Of Work: Alter Number of Permits = 2

Totals for Occupancy: R-3 Number of Permits = 34

Sum of Valuation = 1,221,441

Sum of Valuation = 20,000

Grand Total for All Permits Issued: Number of Permits 41 Total Valuation = 2,103,051

Building Permit Detail Summary

Occupancy R-3

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4142	New House	6/30/2004	Single Family Dwelling	189,000
4123	New House	6/17/2004	Single Family Dwelling	650,000
Totals for Class Of Work: New			Sum of Valuation =	839,000

Totals for Occupancy: R-3

Number of Permits = 2

Sum of Valuation =

839,000

Grand Total for All Permits Issued:

Number of Permits = 2

Total Valuation = 839,000

*City of Lake Elmo
Building Department*

Plumbing Permit Detail Summary

June 01, 2004 Through June 30, 2004

Permit #	Description of Work	Date Issued	Valuation
4108	alter resd plmg & Septic	6/9/2004	20,000
4112	New Commercial	6/14/2004	10,000
4113	New Commercial	6/14/2004	10,000
4118	water heater install	6/15/2004	715
4122	commercial plumbing alter	6/17/2004	2,738
4123	new resd plmg & sewer/septic	6/17/2004	32,000
4127	alter septic	6/22/2004	8,000
4131	alter septic	6/23/2004	3,400
4132	alter septic	6/25/2004	6,000
4136	water heater install	6/28/2004	400
4137	alter septic	6/28/2004	12,000
4139	lawn sprinkler	6/29/2004	2,500
4140	commercial plumbing alter	6/30/2004	2,500
4141	alter resd plmg	6/30/2004	15,000
4142	new resd plmg & sewer/septic	6/30/2004	30,000

<i>Number of Permits 15</i>	<i>Total Valuation = 155,253</i>
------------------------------------	---

**City of Lake Elmo
Building Department**

HVAC Permit Detail Summary

June 01, 2004 Through June 30, 2004

Permit #	Description of Work	Date Issued	Valuation
4108	alter resd hvac	6/9/2004	4,500
4112	New Commercial	6/14/2004	8,000
4113	New Commercial	6/14/2004	8,000
4119	alter resd hvac	6/17/2004	6,700
4121	alter resd hvac	6/17/2004	3,000
4123	HVAC-residential	6/17/2004	12,000
4124	alter resd hvac	6/18/2004	2,700
4129	alter resd hvac	6/23/2004	1,500
4140	alter commercial	6/30/2004	6,000
4141	alter resd hvac	6/30/2004	7,000
4142	HVAC-residential	6/30/2004	10,000

Number of Permits 11

Total Valuation = 69,400

**City of Lake Elmo
Building Department**

Building Permit Fees

June 01, 2004 Through June 30, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
6/2/2004	4091	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/2/2004	4092	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/2/2004	4093	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/2/2004	4094	\$32.65	\$0.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/2/2004	4095	\$181.25	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/3/2004	4096	\$125.25	\$2.85	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/3/2004	4097	\$0.00	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/4/2004	4098	\$32.65	\$0.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/7/2004	4099	\$23.50	\$0.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/7/2004	4100	\$83.25	\$1.14	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/7/2004	4101	\$69.25	\$1.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/7/2004	4102	\$32.65	\$0.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/7/2004	4103	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/7/2004	4104	\$307.25	\$9.06	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/8/2004	4105	\$533.15	\$19.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/8/2004	4106	\$29.60	\$0.35	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/9/2004	4107	\$97.25	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/9/2004	4108	\$853.75	\$40.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/10/2004	4109	\$644.25	\$25.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/11/2004	4110	\$321.25	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/11/2004	4111	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/14/2004	4112	\$1,833.75	\$125.00	\$1,191.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

City of Lake Elmo
Building Department
Building Permit Fees

June 01, 2004 Through June 30, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
6/14/2004	4113	\$1,833.75	\$125.00	\$1,191.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/15/2004	4114	\$97.25	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/15/2004	4115	\$153.25	\$4.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/15/2004	4116	\$335.25	\$10.28	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/15/2004	4117	\$111.25	\$2.48	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/17/2004	4120	\$83.25	\$1.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/17/2004	4121	\$363.25	\$11.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/17/2004	4123	\$3,946.25	\$325.00	\$2,565.06	\$126.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/21/2004	4125	\$32.65	\$0.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/22/2004	4126	\$69.25	\$1.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/22/2004	4128	\$97.25	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/23/2004	4130	\$97.25	\$1.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/25/2004	4133	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/25/2004	4134	\$422.05	\$14.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/28/2004	4135	\$2,085.75	\$147.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/29/2004	4138	\$125.25	\$2.96	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/30/2004	4140	\$391.25	\$12.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/30/2004	4141	\$593.65	\$22.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
6/30/2004	4142	\$1,492.15	\$94.50	\$969.90	\$126.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**City of Lake Elmo
 Building Department
 Building Permit Fees**

June 01, 2004 Through June 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>	<i>Plan Review</i>	<i>Other</i>	<i>Investigations</i>	<i>SAC Fee</i>	<i>Sewer Fee</i>	<i>WAC Fee</i>	<i>Meter</i>	<i>Sales Tax</i>
		\$17,972.95	\$1,037.58	\$5,918.84	\$730.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Totals:

Grand Total of Building Related Fees Collected: \$25,659.37

*City of Lake Elmo
Building Department*

Plumbing Permit Fees

June 01, 2004 Through June 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
6/9/2004	4108	\$50.00	\$0.50
6/14/2004	4112	\$150.00	\$0.50
6/14/2004	4113	\$150.00	\$0.50
6/15/2004	4118	\$50.00	\$0.50
6/17/2004	4122	\$150.00	\$0.50
6/17/2004	4123	\$100.00	\$0.50
6/22/2004	4127	\$0.00	\$0.00
6/23/2004	4131	\$0.00	\$0.00
6/25/2004	4132	\$50.00	\$0.50
6/28/2004	4136	\$50.00	\$0.50
6/28/2004	4137	\$50.00	\$0.50
6/29/2004	4139	\$100.00	\$0.50
6/30/2004	4140	\$150.00	\$0.50
6/30/2004	4141	\$50.00	\$0.50
6/30/2004	4142	\$100.00	\$0.50
Totals:		\$1,200.00	\$6.50

Grand Total of Plumbing Fees Collected: \$1,206.50

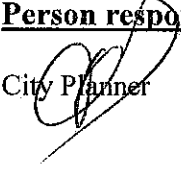
*City of Lake Elmo
Building Department*

HVAC Permit Fees

June 01, 2004 Through June 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
6/9/2004	4108	\$50.00	\$0.50
6/14/2004	4112	\$150.00	\$0.50
6/14/2004	4113	\$150.00	\$0.50
6/17/2004	4119	\$50.00	\$0.50
6/17/2004	4121	\$50.00	\$0.50
6/17/2004	4123	\$100.00	\$0.50
6/18/2004	4124	\$50.00	\$0.50
6/23/2004	4129	\$50.00	\$0.50
6/30/2004	4140	\$150.00	\$0.50
6/30/2004	4141	\$50.00	\$0.50
6/30/2004	4142	\$100.00	\$0.50
Totals:		\$950.00	\$5.50

Grand Total of HVAC Fees Collected: \$955.50

Lake Elmo City Council July 20, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9A
<u>Agenda Item:</u> Shoreland Zoning Variance – Olsen/2225 Legion Lane		
<p><u>Background Information for July 20, 2004:</u></p> <p>At its meeting July 12, 2004 the Planning Commission conducted a Noticed Public Hearing to consider an application to <u>reconstruct</u> a deck in the OHW setback of Downs Lake that would be located 48 feet from the OHW. A 1970's vintage deck that was located 48 feet from the OHW has been removed by the applicant due to deterioration. The new deck would essentially replicate the prior deck – but be 2 feet <u>further</u> from the OHW (less non-conforming) across a portion of the deck. Since the entire home is located within the OHW setback of Downs Lake, therefore precluding any deck location that would not also be within the OHW setback.</p> <p>Finding that no reasonable alternative deck location was available to the homeowner (within the context of “reasonable use of the property”; that the variance circumstances are not totally the result of the owners actions (pre-existing the Shoreland standards); and, that the new deck will reduce the extent of setback non-conformity, the Planning Commission unanimously recommended approval of the variance. A Resolution consistent with the Commission’s approval recommendation is attached for City Council consideration.</p>		
<p><u>Action items:</u></p> <p style="text-align: center;">059</p> <p>Motion to adopt Resolution #2004 – approving a variance to permit reconstruction of a pre-existing deck within the Shoreland OHW of Downs Lake at 2225 Legion Lane per plans Staff dated July 8, 2004, and based on the recommendation of the Planning Commission.</p>	<p><u>Person responsible:</u></p> <p style="text-align: center;">  City Planner </p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Location Map 2. Draft Planning Commission Minutes of July 12, 2004 3. Planning Staff Report of July 8, 2004 	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-059

A RESOLUTION APPROVING A SHORELAND OVERLAY DISTRICT VARIANCE
FOR THOMAS AND JENEAL OLSEN AT 2225 LEGION LANE

WHEREAS, at its July 12, 2004 meeting, the Planning Commission held a public hearing and recommended approval of an application from Thomas and Jeneal Olsen, at 2225 Legion Lane, for a shoreland overlay district variance to reconstruct a pre-existing deck within the Shoreland Ordinary High Water of Downs Lake per plans staff dated July 8, 2004.

WHEREAS, at its July 20, 2004 meeting, the Lake Elmo City Council reviewed the application of Thomas and Jeneal Olsen for a shoreland overlay district variance and made the following findings:

1. The property can not be put to reasonable use without the granting of the variance requested. Reasonable use must be defined in the context of pre-existing conditions related to the layout of the house, and the need to reconstruct a deteriorated deck constructed prior to Shoreland Standards.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of current zoning regulations; and, the circumstances of the variance were not solely created by the applicant. Also, that the applicant proposes to reconstruct the deck at 2 feet less encroachment to the OHW setback than the previously existing deck.
3. Granting of the variance will not change the essential character of the neighborhood.

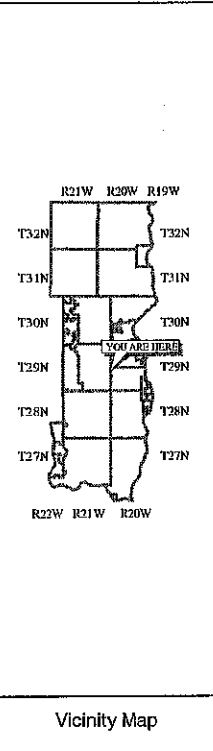
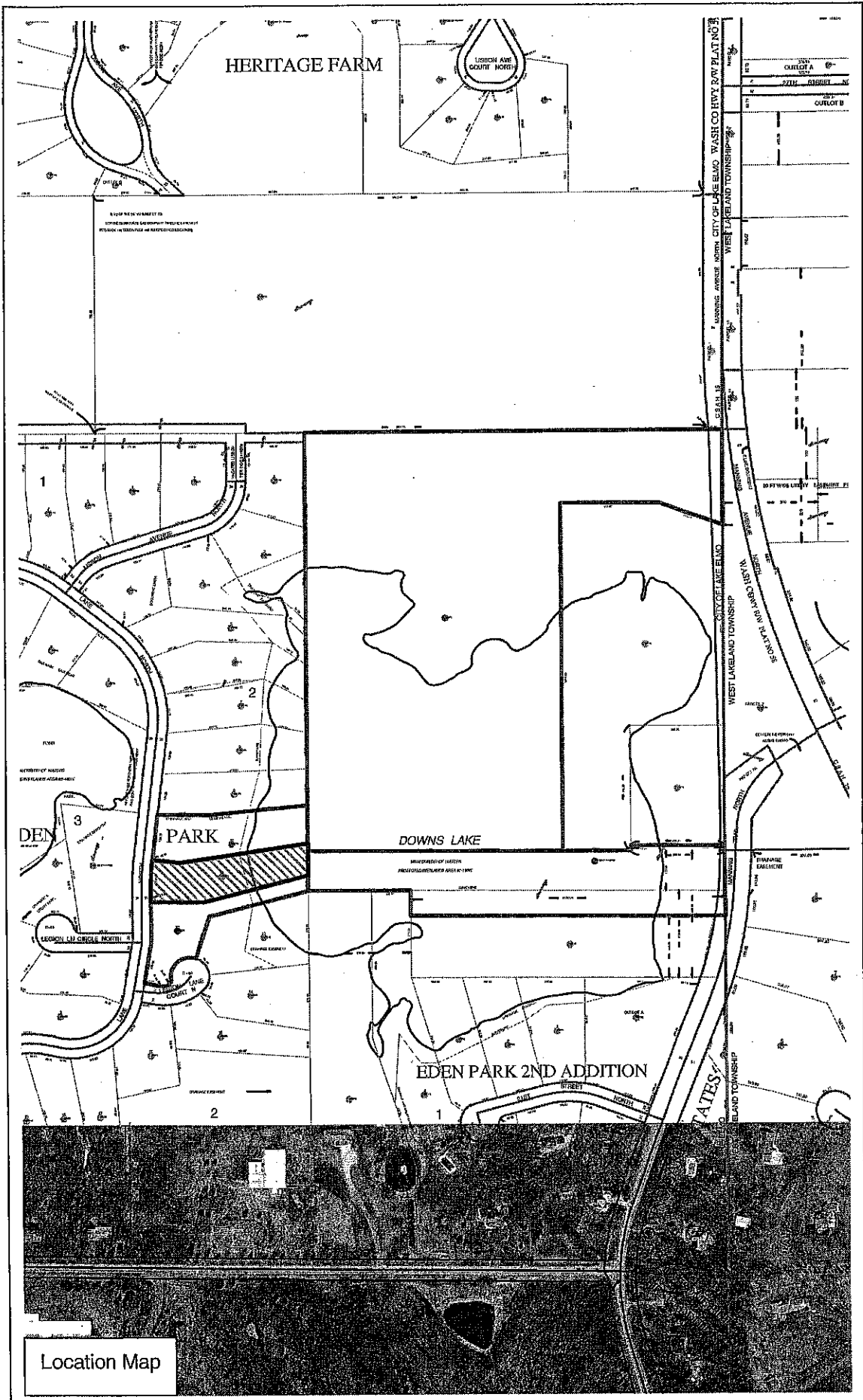
NOW, THEREFORE, BE IT RESOLVED, the Lake Elmo City Council approves the Shoreland Overlay District Variance at 2225 Legion Lane to allow reconstruction of a pre-existing deck on Downs Lake for Thomas and Jeneal Olsen, based on a plan staff-dated July 8, 2004, and on the Findings of the Planning Staff Report dated July 8, 2004.

ADOPTED, by the Lake Elmo City Council on the 20th day of July, 2004.

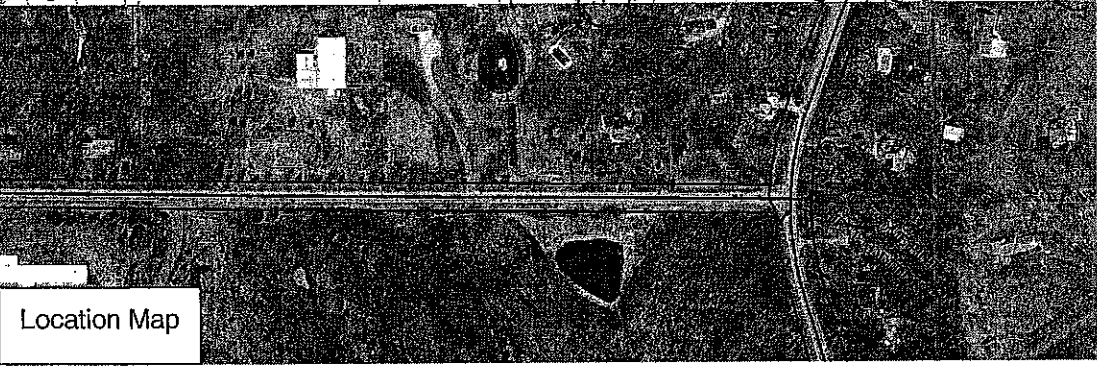
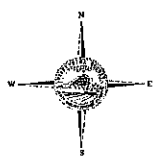
Lee Hunt, Mayor

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 (951) 430-6075

Parcel data based on AS400 information

PUBLIC HEARING: VARIANCE FROM OHW – OLSEN

The City Planner introduced the application for a variance from the Shoreland Standards of the Code to allow reconstruction of a deck within the setback from OHW of Down's Lake. The deck lies a minimum of approximately 48' from Ordinary High Water where 150 feet is required. He reported that the applicant has removed a deteriorated deck constructed in the 1970's but can not rebuild in the same location without a variance. The new deck would be 2 feet further from the OHW across a portion of the width. He reported that the DNR does not object to the variance. The Planner recommended approval based upon Findings in the staff report.

AT 7:07 p.m. THE CHAIRMAN OPENED THE PUBLIC HEARING.

No testimony was offered.

AT 7:08 P.M. THE CHAIRMAN CLOSED THE PUBLIC HEARING.

Commissioner Deziel said photos depict foliage screening of the original deck and the house from the lake and he appreciates it.

M/S/P, Ptacek/Sessing, To recommend approval to allow reconstruction of a deck at 48' from OHW in accordance with applicants' plans staff dated July 8, 2004 and the three Findings in the Staff Report. **VOTE: 8:0.**

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: July 8, 2004 for the Meeting of July 12, 2004

Applicant: Thomas and Jeneal Olsen

Location: 2225 Legion Lane

Requested Action: Variance to Shoreland OHW Set Back

Land Use Plan Guiding: SRD

Existing Zoning: R-1

Site History and Existing Conditions:

A building permit was issued to construct a home on this 60,000 sf lot fronting Downs Lake in 1978. The original house plans did include a deck on the Downs Lake side of the house. That deck design differs somewhat from a later deck design now proposed to be replaced. We note a permit for extensive home remodeling in 1988 as well. It may be that this remodeling resulted in modification of the deck design from 1978 – or, the 1978 deck was constructed in a different configuration than the 1978 plan depicted. In either case, it does not appear that the actual 2004 deck design modified the OHW encroachment that was created with the original house construction.

The Building Department reports that the existing deck on the house was removed recently due to deterioration of the wood structure. The applicant applied for permit to reconstruct the deck essentially as it had appeared prior to the recent removal, but with 2 feet less OHW setback encroachment. Because the pre-existing deck became a non-conforming structure (due to the 48 foot OHW setback), no permit could be issued to replace the deck.

Discussion and Analysis:

City aerial photography confirms that the principal house structure (ex deck) is located 56 feet from the Downs Lake OHW. A strict (non-varied) application of the Shoreland setback standards would preclude construction of a lakeward deck of any size. This does not appear to be a practical solution to the issue, given the fact that the house is “set up” for a lake front deck based on pre-Shoreland zoning standards. We do not believe that the non-conformity provisions of the Zoning Ordinance are intended to produce the results we find in this case – no replacement deck. By the DNR review letter of July 8, it appears that the Shoreland Regulation oversight agency essentially concurs with this observation.

Findings and Recommendations:

Based on the foregoing Staff suggests the following Findings in this case:

1. The property can not be put to reasonable use without the granting of the variance requested. Reasonable use must be defined in the context of pre-existing conditions related to the layout of

1. The property can not be put to reasonable use without the granting of the variance requested. Reasonable use must be defined in the context of pre-existing conditions related to the layout of the house, and the need to reconstruct a deteriorated deck constructed prior to Shoreland Standards.
2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of current zoning regulations; and, the circumstances of the variance were not solely created by the applicant. Also, that the applicant proposes to reconstruct the deck at 2 feet less encroachment to the OHW setback than the previously existing deck.
3. Granting of the variance will not change the essential character of the neighborhood.

the house, and the need to reconstruct a deteriorated deck constructed prior to Shoreland Standards.

2. The variance requested results from circumstances unique to properties where principal structures were constructed prior to adoption of current zoning regulations; and, the circumstances of the variance were not solely created by the applicant. Also, that the applicant proposes to reconstruct the deck at 2 feet less encroachment to the OHW setback than the previously existing deck.
3. Granting of the variance will not change the essential character of the neighborhood.

Based on the foregoing Findings staff recommends approval of the variance as applied for.

Planning Commission Actions Requested:

Motion to recommend approval of a variance at 2225 Legion Lane to allow reconstruction of a pre-existing deck at 48 feet from the OHW of Downs Lake based on a plan staff-dated July 8, 2004, and on the Findings of the Planning Staff Report dated July 8, 2004.



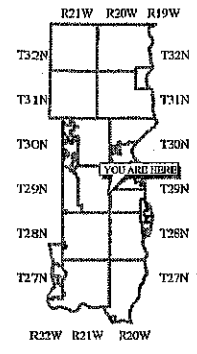
Charles E. Dillerud, City Planner

Attachments:

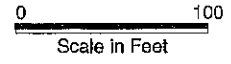
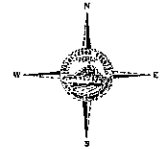
1. Location Map
2. Aerial Photo
3. DNR Review
4. Applicants' Documentation and Graphics



Location Map



Vicinity Map



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

Source: Washington County Surveyor's Office.
Phone (851) 430-6676

Parcel data based on AS400 Information

Deck Proposal – 2225 Legion Lane

Situation.

I am in the process of selling my house and expect to close on the sale on August 15th 2004. As part of the sales contract I have with the seller I must repair the existing deck on the house due to the poor condition of the ledger board and adjacent rim joist on the existing deck. To comply with this requirement I agreed to replace the deck. My contractor applied for a building permit and learned that since the house is within 100' of Downs lake it may be necessary to apply for a special permit.

Request

I am requesting permission to have the contractor replace the current deck with a deck that is the same size as the existing deck with the exception of a 2' foot reduction in the length of the North cantilever.

Diagram

I have attached two drawings. The first is an overall site view of the home and how it is situated on the lot. The second drawing shows the proposed size of the deck.

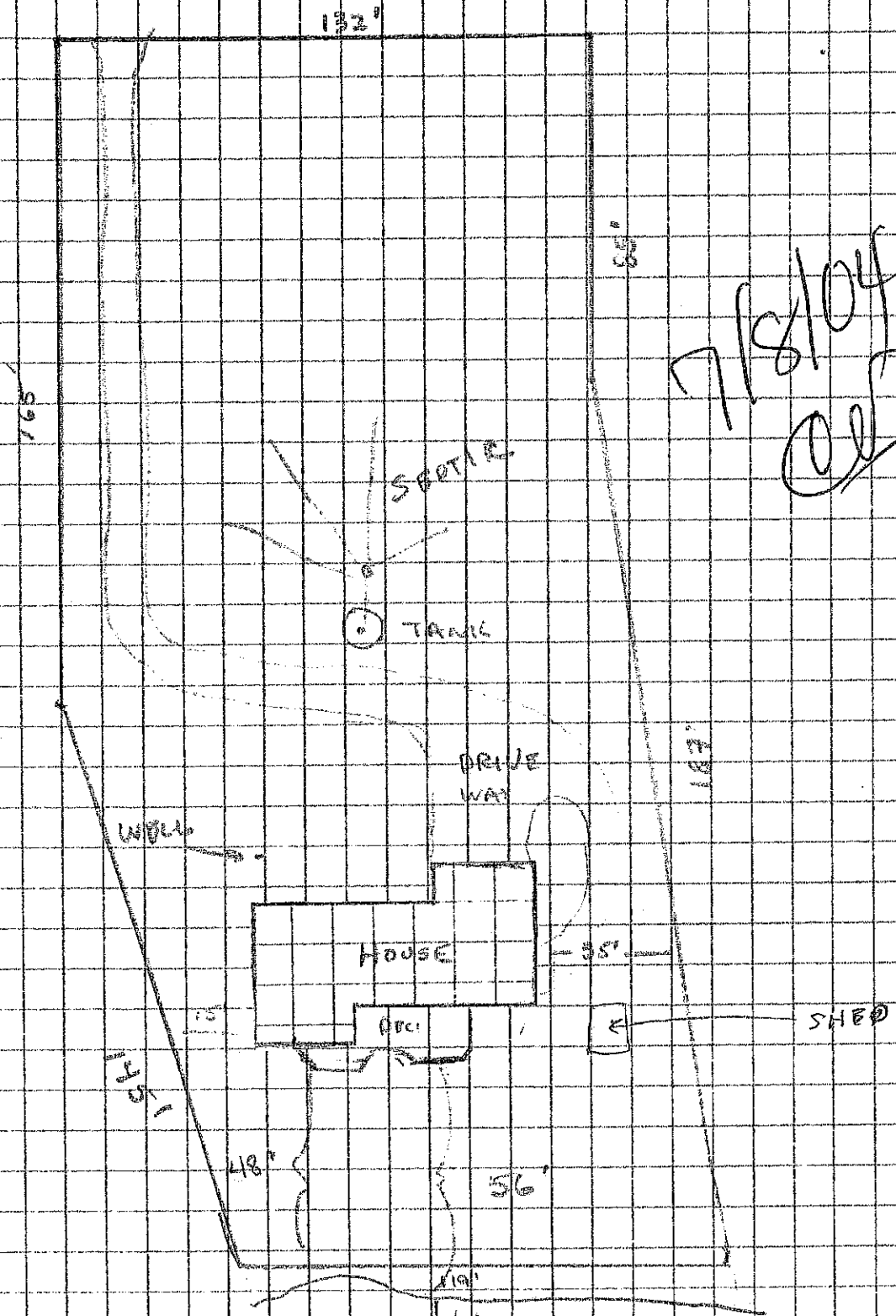
Tom Olsen
(w) 737-8456
(h) 436-3216

DECK
2225 LEGION LANE

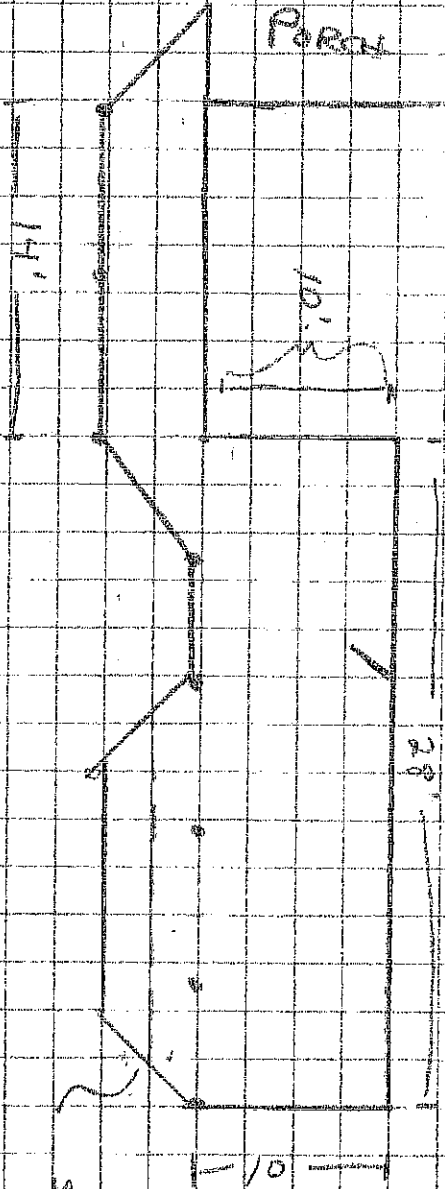
EDIP PARK BLOCK 2
LOT 11

10' PBR
SQUARE

7/8/04
CD



DECK - 2225 REGION LANE



7/8/2004
N →

SHORTEN BY
2' TOTAL LEAVING
OF 12'

REPLACE WENT DECK TO

BE SAME SIZE

AS EXISTING

DECK EXCEPT

SHORTENED BY

2' ON NORTH

CANTILEVER

SCALE - SQUARE

= 2 FEET

Lake Elmo City Council July 20, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9B
---	--	----------------------

Agenda Item: Administrative Determination Appeal – Anderson/Sorenson


Background Information for July 20, 2004:

The home builders in the Whistling Valley OP have appealed administrative determination by the Building Official (concurrent in by the City Planner) regarding the application of the definition of “Building Height” in Section 150 of the City Code (the 2001 version of that definition – the older version is still there, but should have been repealed concurrently with adopting the new version). The attached graphics depict the issue at hand: With an architectural feature such as proposed for the roof of this home, is the “mean height” of the gable roof measured from the first roof level or the second (upper) roof level?

The appellant contends that the measurement of gable roof mid point should be taken from the eaves and the top most ridge (the top of the “second” roof in this case). With that interpretation, this home would meet the 35 foot max height. With the Building Official’s more conservative interpretation, the calculated building height of this home would be 38 feet – too much.

While staff has taken an interpretative position in this matter, we have no problems with the applicant’s interpretation should the Council agree with the applicant’s logic.

In this matter the City Council is acting as the Board of Adjustment and Appeals, responsive to Section 200.01, Subd. 11 of the City Code. The decision of the Board is in the form of an Order, not a City Council Resolution. Since this is not a variance matter, no specific Findings need be made to support the interpretation adopted by the Board.

<p><u>Action items:</u></p> <p>Motion to adopt a Board of Adjustments and Appeals Order directing the Building Official to interpret the definition of Building Height for a hip roof to use the upper-most ridge line of any structure as the upper point from which to measure the average height of a structure with a gable roof and multiple ridge lines.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>
---	---

<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Section 150 “Definitions” 2. Applicant’s Documentation and Graphics 	<p><u>Time Allocated:</u></p>
---	--------------------------------------

Lake Elmo Municipal Code
Chapter 1
Section 150 - Definitions

Biochemical Oxygen Demand (BOD₅)	The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20° C., expressed in milligrams per liter.
Block	An area of land within a subdivision that is entirely bounded by streets, or by streets and the exterior boundary or boundaries of the subdivision, or a combination of the above with a river or lake.
Bluff	A topographic feature such as a hill, cliff, or embankment having the following characteristics. <i>(An area with an average slope of less than 18 percent over a distance of 50 feet or more shall not be considered part of the bluff)</i> A. Part or all of the feature is in a Shoreland area; B. The slope rises at least twenty-five (25) feet above the ordinary high water level of the water body; C. The grade of the slope from the toe of the bluff to a point twenty-five (25) feet or more above the ordinary high water level averages thirty percent (30%) or greater; and D. The slope must drain toward the water body.
Bluff Impact Zone	A bluff and land located within 20 feet from the top of a bluff.
Boarding House	A building other than a motel or hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging are provided for three (3) or more unrelated persons, but not to exceed eight (8) persons.
Boathouse	A structure designed and used solely for the storage of boats and boating equipment
BOD	Biochemical Oxygen Demand shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C expressed in milligrams per liter - laboratory procedures shall be in accordance with the latest edition of Standards Methods for the Examination of Water and Waste Water.
Bona Fide Club	A club organized for social or business purposes, for intellectual improvement, or for the promotion of sports, where the serving of non-intoxicating malt liquor is incidental to and not a major purpose of the club.
Boulevard	The portion of the street right-of-way between the curb line and the property line.
Buildable Land Area	The gross land area less the unbuildable land area that includes hydric and restrictive soils, land with slopes over twenty-five (25) percent, wetlands and areas that cannot accommodate septic systems.
Building	Any structure either temporary or permanent, having a roof and used or built for the shelter or enclosure of any person, animal, or movable property of any kind. When any portion of a building is completely separated from every other part of a building by area separation, each portion of the building shall be deemed as a separate building.
Building Code	Minnesota State Building Code.
Building Drain	That part of the lowest piping of the drainage system which receives the sewage discharge inside the walls of the building and conveys it to the building sewer which begins at least one foot outside the building line.
Building Height	The vertical distance between the lowest grade level at the building line and the uppermost point on the roof.
Building Height³	The vertical distance from the average of the highest and lowest point of grade for that portion of the lot covered by building to the highest point of the roof for flat roofs; to the roof deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and hambrel roofs.
Building Line	A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend. (See Section 325)
Building Official	The officer or other designated authority, certified by the state, charged with the administration and enforcement of the State Building Code, or officer's duly authorized representative.
Building Setback	The minimum horizontal distance between one building and the lot line.
Building Setback Line	A line within a lot parallel to a public right-of-way line, a side or rear lot line, a bluff line, or a high water mark or line, behind which buildings or structures must be placed.

³ Added 97-90 on 10-2-01

M E M O R A N D U M

DATE: June 16, 2004
 PROJECT: Hipple Residence
 SUBJECT: Lake Elmo Maximum Height Requirements
 BY: Peter Stafford MacDonald:
 MacDonald and Company
 Residential Design Group

Re: Hipple Residence Maximum Height Requirement

Honorable City Council Members,

The Lake Elmo zoning ordinance describes maximum height as

"The vertical distance from the average of the highest and lowest points of grade for that portion of the lot covered by building to the highest point of the roof for flat roof, to the roof deck line of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs."

In the case of a very simple home with a single roof form this description is very straight forward. Many homes however, have multiple roof forms of varying size, shape, and dominance. This reality can complicate the process of measuring maximum height. To help with this issue many municipalities have added clarifying language to their ordinances.

Typically the language references the "dominant" or "primary" roof form as the element of the home to be measured for maximum height. This is done in order to distinguish those elements which significantly define the mass of the house from those minor roof elements which tend to break up, or minimize, that mass. This distinction is frequently codified in an explicit height exemption for dormers, cupolas, ornamental towers, skylights, and clerestories, etc.

This type of clarification to the ordinance recognizes how an extremely literal interpretation might indeed be contrary the very intent of the ordinance. Such an interpretation creates a hardship for homeowners as well as result in more massive and boxy structures. Secondary roof elements add interest and variety to a primary roof form without adding significant mass to the home itself. In fact, they usually reduce the apparent and perceived size of the home by introducing smaller scale elements.

Attached please find several scaled drawings, which help illustrate the points discussed above and, which we believe, show how the maximum height of the Hipple residence might reasonably be analyzed. We hope they will illustrate how the Dr. and Mrs. Hipple's home in fact complies with the intent Lake Elmo's height restrictions.

Thank you for your thoughtful consideration of this matter.

-END OF MEMO-

Lake Elmo City Council July 20, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9C
---	--	----------------------

Agenda Item: Amended Fence Ordinance

Background Information for July 20, 2004:


On June 28, 2004 the Planning Commission conducted a Hearing to consider amendment to the Zoning Ordinance to add a new section (to the Zoning Ordinance) regulating fences. Following the Hearing the subject was tabled due to the late hour. The matter was again addressed by the Commission on July 12, resulting in a recommendation and referral to the Council. The June 28 Hearing Notice was so structured to include two separate versions of the draft fence regulations:

1. A version developed by the Planning Commission over several meetings earlier this year, and;
2. A version responsive to the guidance provided by the City Council as to fence standards, following the Workshop on May 10.

Both versions assume that fence standards now found in Section 1360 of the City Code would be repealed entirely.

Following discussion of both fence ordinance versions, the Commission adopted Motion (7:1:1 with Pelletier opposed and Deziel abstaining) to recommend the Planning Commission-drafted version of the fence standards. A draft of the July 12 Planning Commission Minutes is attached where the basis for this recommendation (supported by a significant majority of the Commission) is provided.

We have attached both versions of the fence ordinance amendment. The Council-originated version is in standard City Code ordinance format – including the “repealer” of Section 1360. The Planning Commission- drafted (and recommended) version remains in the format of the new (draft) zoning ordinance. After review of the status of this matter with the appropriate Council Committee on July 14, it was determined best to relay the Commission’s recommendation to the Council and ask for direction. We are advised that, in any case, there may be additional fence-related issues that may need to be addressed by whatever ordinance is finally adopted by the Council. Therefore, we do not expect ordinance adoption by the Council on July 21, but rather specific direction to staff as to which ordinance version to pursue, and what additional regulatory subjects need to be addressed in that version.

<p><u>Action items:</u></p> <p>Motion providing direction to staff regarding which fence ordinance version to pursue, and what additional regulatory subjects need to be addressed in that version.</p>	<p><u>Person responsible:</u></p>  <p>City Planner</p>
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Fence Ordances 2. Draft Planning Commission Minutes of July 12, 2004 	<p><u>Time Allocated:</u></p>

**As Recommended by Planning Comm.
on July 13, 2004**

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

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

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

SECTION 15.240 PATIO AND ATRIUM DWELLING UNITS

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

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

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

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

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

FIGURE 15.240
TECHNIQUES FOR ARTICULATING PATIO AND
ATRIUM STREET FACE WALLS

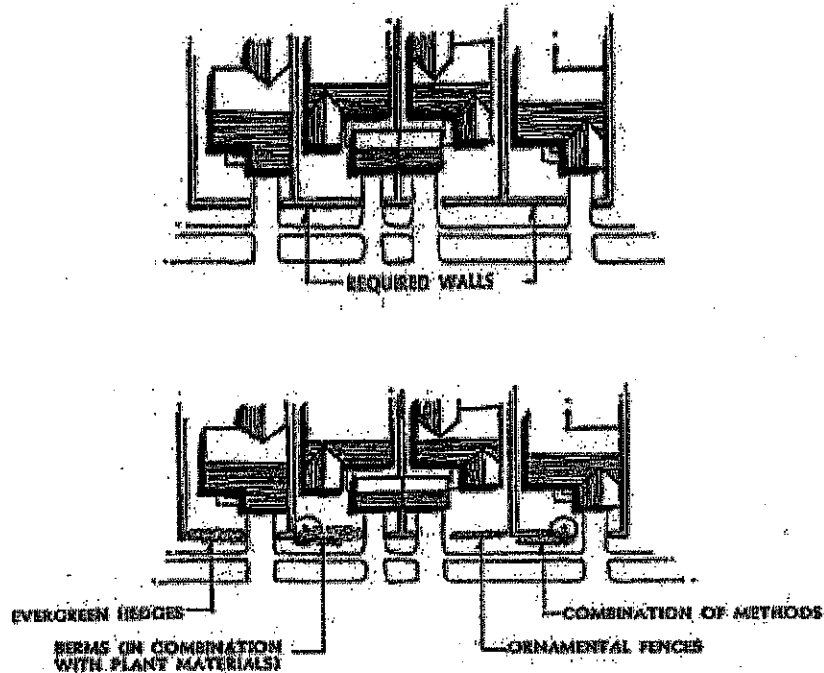


Figure 03.210A
SOLID WALL FENCING

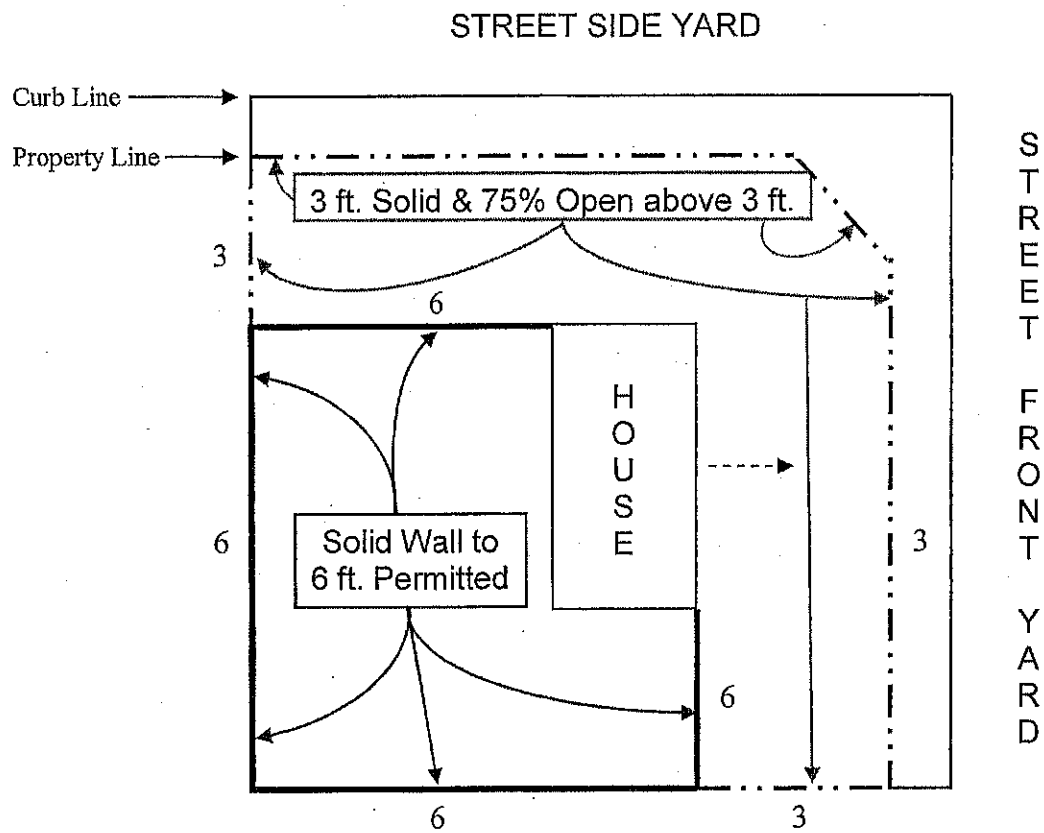


Figure 03.210B
SOLID WALL FENCING
REAR YARD TO SIDE YARD NEIGHBORS

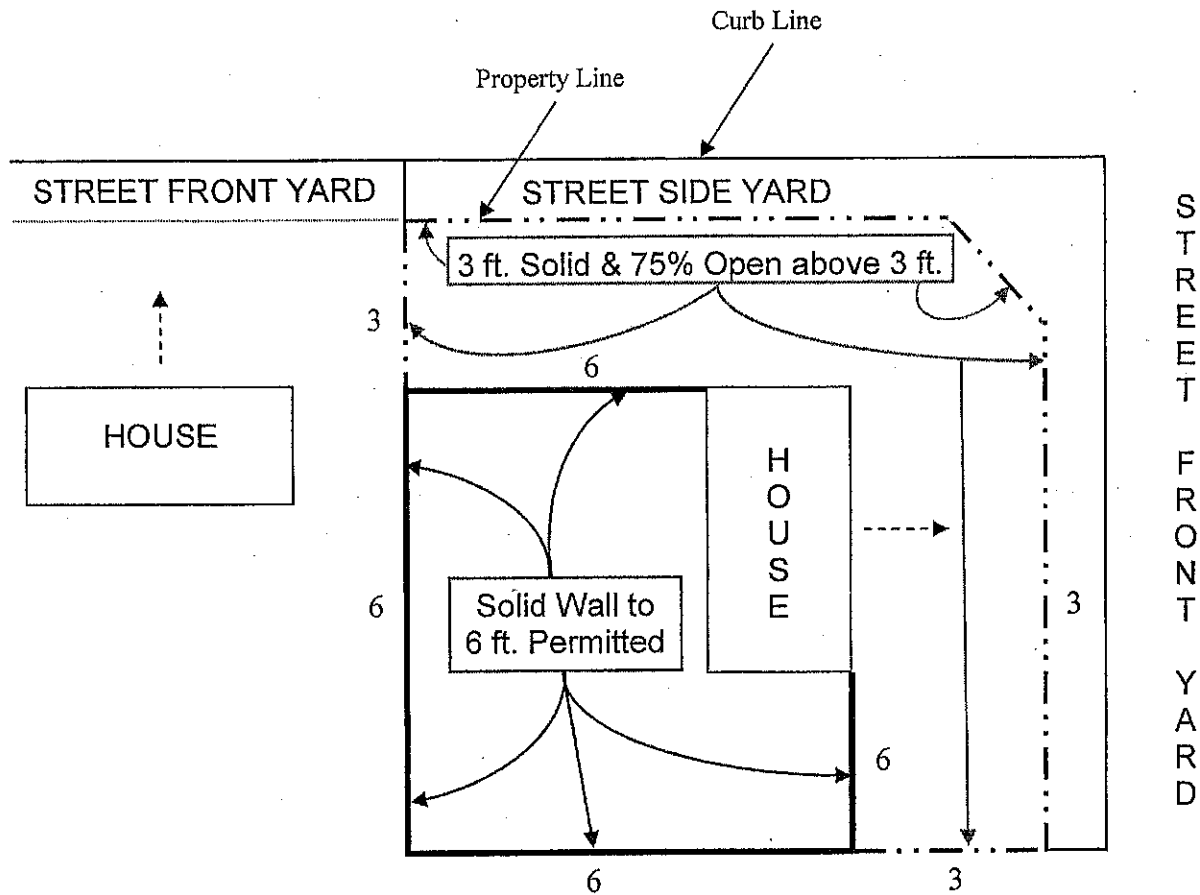



Figure 03.210C
SIGHT TRIANGLE

 Denotes:
Sight Triangle

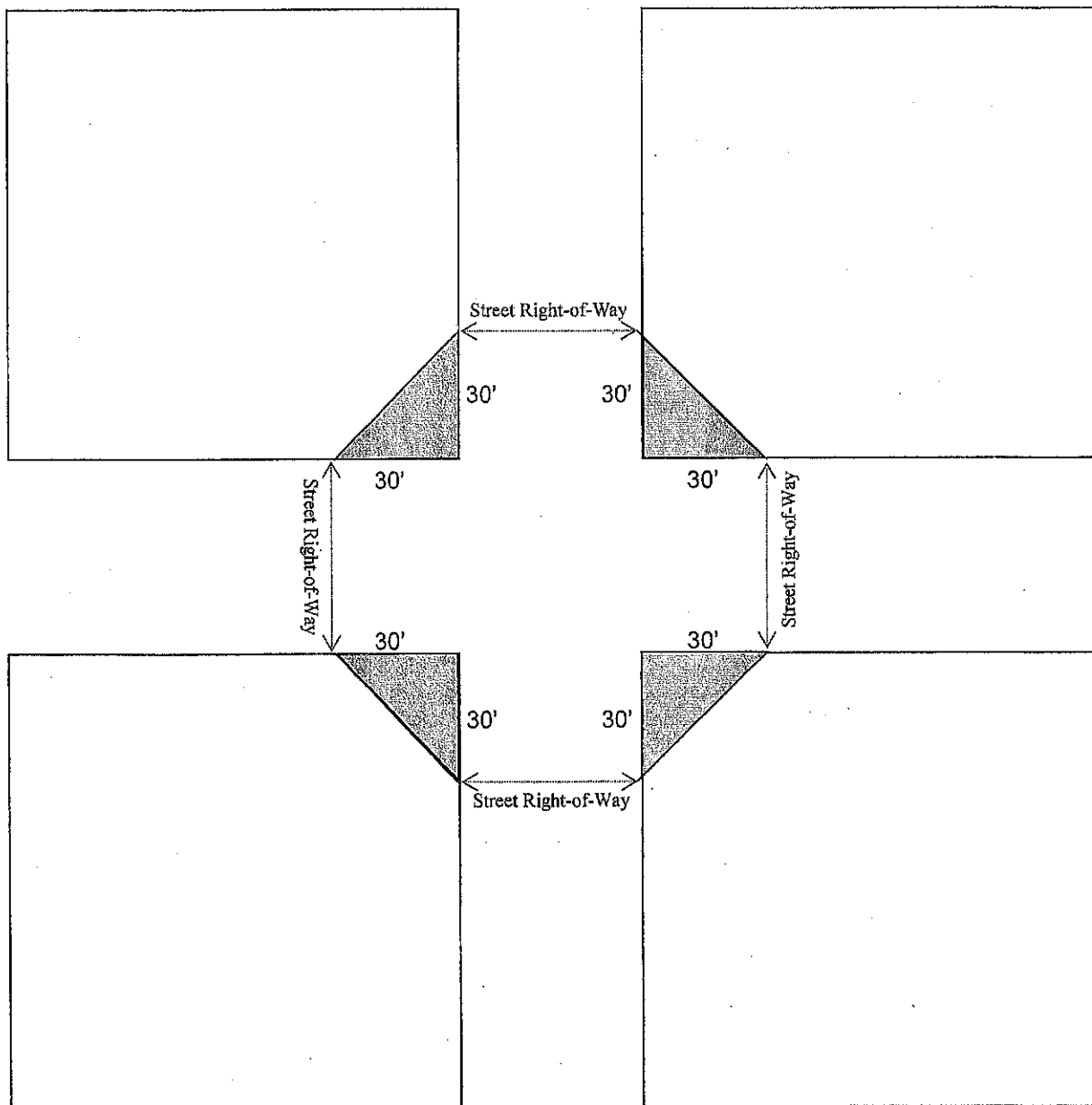
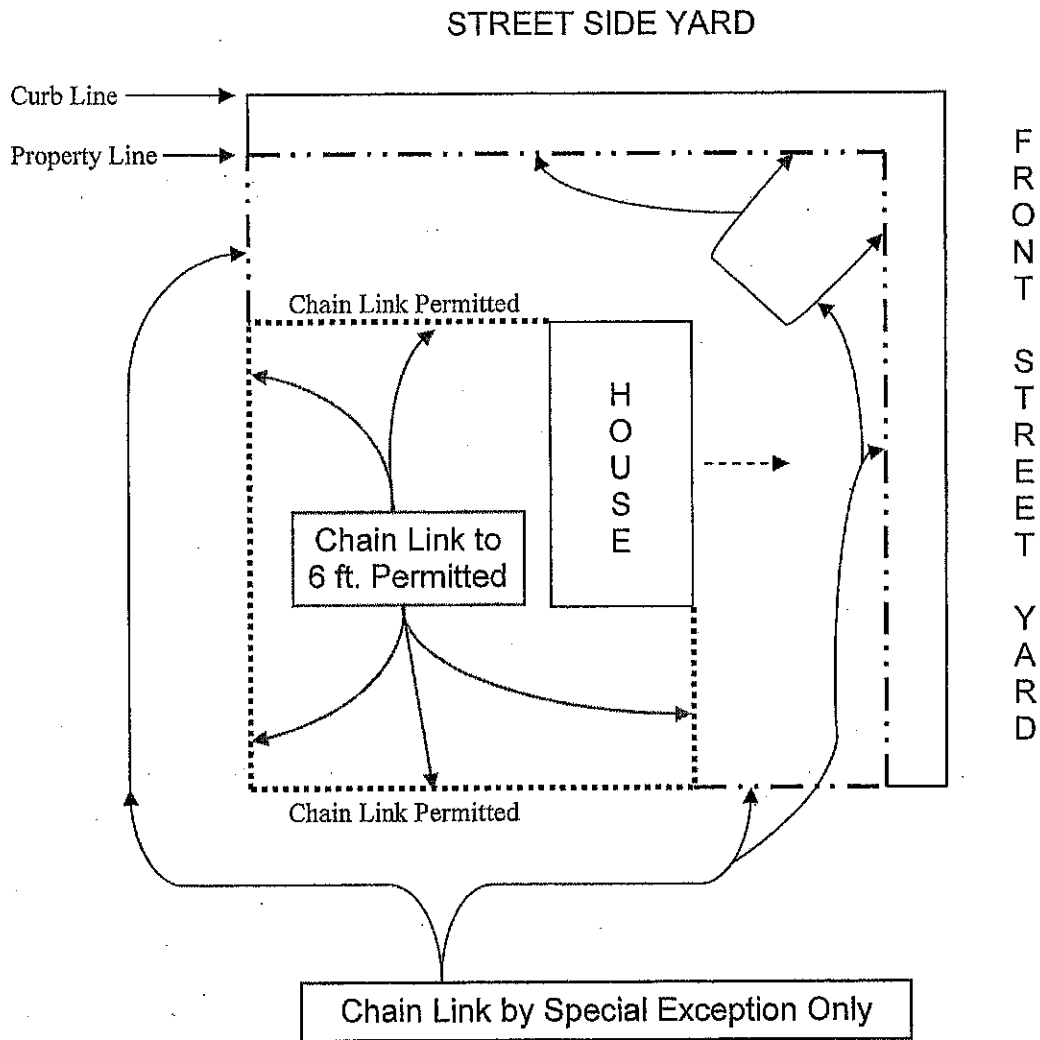


Figure 03.210D
CHAIN LINK FENCING



As guided by City Council
on May 10

ORDINANCE NO. 97-

AN ORDINANCE RELATING TO THE REGULATION OF FENCES IN THE
CITY OF LAKE ELMO

Section 1. Amendment: Section 302 Fence Regulations is hereby added to the Lake Elmo Municipal Code, to wit:

302 – Regulation of Fences

302.01 Fence Height

Subd. 1 - Fence Height in Street Setbacks

No fence shall exceed 42 inches in height measured from grade within any front side or rear street setback (See Figure 302.1)

Subd. 2 – Fence Height in Interior Yards

No fence shall exceed 72 inches in height measured from grade in interior yards; and, any portion of such fence above 42 inches measured from grade shall be open to light and air over 75% of the surface area. (See Figure 302.1)

Subd. 3 – Grade Defined

The grade from which fence measurements are calculated shall not include the height of berms or introduced increases in ground elevation that would raise the effective fence height over that which would be otherwise permitted by this Section, except that a combination of raised grade and fence that would exceed in sum the fence height permitted by this section may be specifically approved by the City Council as an element of a subdivision plat or commercial site plan approval.

302.02 Fence Materials

Subd. 1 – Permitted Fence Materials

Permitted fence materials shall be limited to brick, stone, wood planks, split rail, wrought iron, and as regulated by Section 302.04. Vinyl or composite material fences shall also be permitted other than those white in color.

Subd. 2 – Finished Face of Fence

That side of the fence considered to be the face (finished side as opposed to structural supports and frame) shall face abutting property and Public Streets.

Subd. 3 – Chain Link or Cyclone Fences

Chain Link, and wire mesh fences are permitted to a maximum height of 72 inches measured from grade; and shall be black or green in color. No chain link, cyclone or wire mesh fence shall be permitted in any front, side, or rear setback. (See Figure 302.2)

302.03 – Fences in the Shoreland Overlay District

No fence shall be permitted in the OHW setback of any parcel located in Shoreland, as defined by Section 150 of the City Code.

302.04 Temporary Fences

Subd. 1 – Defined

For the purposes of this ordinance Temporary Fences are those that are installed and removed on a seasonal basis, such as snow fences and garden fences. Temporary Fences shall be open to light and air over not less than 50% of the fence surface area.

Subd. 2 – Duration and Limitation

Permits for Temporary Fences may be issued for periods not to exceed 6 months. No permit for a temporary fence shall be issued by the City until at least 6 months following expiration of any prior permit for a temporary fence on the same parcel of land. No snow fence shall or posts therefore shall be installed prior to November 1, and must be removed prior to April 15.

Subd. 3 – Height and Location

Temporary Fences shall comply with the fence and fence location standards of Section 302.01, except that snow fences shall be set back at least 50 feet from any south or east property line, or such additional distance as may be required to prevent the accumulation of snow on public streets or adjoining property, as determined by the Building Official.

302.05 Agricultural Exemption

Fences constructed of parcels in excess of 5 acres for the keeping of horses; and fences constructed on parcels in excess of 10 acres for the keeping of other livestock, as defined by Section 150 the City Code, are specifically exempted from the provisions of this section.

302.06 Fence Permits Required

Except as noted herein, installation of all fences require a fence permit issued by the City of Lake Elmo. Said permit shall be applied for on such forms, include such documentation, and include such fees to the City for processing as may be prescribed from time-to-time by the City Council. Fences exempt from requiring an installation permit are limited to the following:

1. Fences of any type installed for the sole purpose of the keeping of Domestic Farm Animals, as defined by Section 150 of the City Code, and regulated by Section 300.13, Subdivision 15E of the City Code.
2. Fences of any type installed by Municipal, County or State governments for facility security or the delineation and/or protection of Public Rights-of-Way.

Failure to obtain a City Fence Permit prior to the installation of any fence subject to this regulation shall result in an automatic double permit fee, in addition to any

corrective measures to bring said fence into compliance with the standards for fences prescribed by the Lake Elmo Zoning Ordinance.

302.07 – Fences as Non-conforming/Hazardous Structures

Fences shall be considered to be structures for the purposes of applying the terms of the Non-conforming structure provisions of the Zoning Ordinance, and the Hazardous Structures provisions of City Code and State Statute.

Section 2. Repealer

Section 1360 of the City Code is hereby repealed in its entirety.

Section 3. 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

ZONING CODE AMENDMENT: FENCES CONTINUED

The Planner reminded the Commission of their options – they can recommend their own draft ordinance, the Council’s draft, some combination, some modification, or nothing.

Commissioner Deziel said he felt the Commission did a good job on their ordinance. He thought the Council did not give good guidance. The City Planner did a good job of bringing it forward. He said the comments of Charles Dennis were excellent and mature, and he thinks that is what should be sent to the Council because that is what the Council is missing.

Commissioner Sedro said the points raised by the Council were all discussed by the Planning Commission at length. She would add only the Shoreland Overlay, Section 302.03.

Commissioner Ptacek said that many Commission hours went into the fence ordinance. He said the Commission’s draft allows adequate screening, and the Council’s version would ruin the screening.

M/S/P, Sedro/Ptacek, To recommend the Planning Commission’s Draft Fence Ordinance with the addition of Section 302.03, Shoreland Overlay District from the other ordinance draft.

Commissioner Sessing said the City’s exterior storage code does not screen anything (like trailers) without a solid wall fence or with the berm options we have in our Code. 75% open to air and light will not screen anything. He said residents will not be able to screen AG equipment unless we build more buildings. He said the Council never answered the question at the Workshop: now we allow a higher fence on a larger lot in the buildable lot area. Their ordinance allows a building but not a fence.

Commissioner Sedro said the Planning Commission reviewed the issues of function and that Lake Elmo is trying to hold onto vestiges of being rural. She said the Council was addressing aesthetics, and their draft does not allow people to do what needs to be done in rural and AG Districts. She said if the Commission has to choose, we should choose functionality.

Commissioner Deziel asked if fences would be allowed within 100 feet of OHW with the Shoreland Overlay, because there are a lot of fences in there now.

The Planner said in some cases, OHW is 150 feet. Existing fences would continue until they are damaged but no new ones would be allowed. It is not addressed in our current ordinance.

Commissioner Deziel remembered one lot where the entire house was within 100 feet of OHW. Those residents would have to demonstrate a hardship to get a variance. His inclination would be to pull it back to one-half of OHW setback. 50 feet off a lake should be enough.

Commissioner Pelletier said she has changed her mind, and now believes one-size-fits-all does not work. Six foot fences take away from the sense of community. She wants to preserve rural character. Large lots should be allowed higher fences.

The Planner said the Council did discuss fences as architectural extensions of homes. A separate section could be added that addresses screening. Fencing and screening should be addressed separately according to the City Attorney.

VOTE: 7:1:1 (Nay: Pelletier, Abstain: Deziel).

RECEIVED
JUN 08 2004

cc

CHARLES L. DENNIS II

9385 Lake Jane Trail North
Lake Elmo, MN 55042
651-777-2343

June 5, 2004

Open letter to the Lake Elmo City Council

Dear Councilors:

The proposed fence ordinance you will be considering shortly is a bad fit for Lake Elmo. This ordinance attempts to "solve" a purported aesthetic problem. In fact, it will create as many aesthetic problems as it solves. Worse, it does so in a highly intrusive, controlling and expensive manner, which is inconsistent with the concept of Lake Elmo as a rural-oriented community.

First, the proposed ordinance will be expensive and will not achieve its primary objective, which is to improve aesthetics. The proposed ordinance would limit fences to very low heights in many locations, and would require that any part of the fence over a few feet tall be essentially see-through. Run over to a building supply store – you will find that there are no pre-fab fence components that fit these requirements. This means that any fence will have to be custom built, which is much more expensive than using pre-fab modules.

While professionally installed custom fences are likely to be attractive, homemade custom-built ones are not. Pre-fab modules are designed to be reasonably attractive. Homemade custom built fences may or may not be attractive, depending on the design and construction capabilities of whoever builds the fence. My experience is that most people are not very good at either design or construction. So, by passing an ordinance that effectively bans the use of pre-fab fence modules, you will actually increase the number of aesthetically bad fences in Lake Elmo.

In addition, one of the common reasons people install fences is to hide ugly things. I built a shed next to my house last summer, and planned to install a fence around it this summer to hide the garden implements and materials stored next to it, both for security and aesthetics. Under the new ordinance, that would be pointless – the fence would not hide the tools. So, again, the ordinance would decrease aesthetics, not improve them.

Second, the ordinance is highly intrusive. Fences are used for many things: They may secure an area against intrusion, they may secure pets or children from wandering, they may provide privacy, they may hide things. Aesthetics can be a plus, but aesthetics are not usually the main reason people install a fence.

The ordinance effectively destroys the ability of a fence to do any of these functional things in many situations: an intruder can easily climb a 3-4' fence, my dog can easily jump one, it provides no privacy and does not effectively hide anything. This is not an ordinance to control fences – it is an ordinance to prevent fences by ensuring that no fence meeting the requirements of the ordinance will be worth building.

Finally, this ordinance is entirely inconsistent with the concept of Lake Elmo as a rural community. Part of the essence of a rural community is allowing more freedom in what we can and cannot build on our land. We have no other building ordinances focused on aesthetics – so I can have a house that is just shy of being condemned, but if I wanted to put up a fence, it would have to be aesthetically pleasing? That makes no sense. Any fence ordinance in Lake Elmo should focus on a reasonable set back from the road to ensure driving safety, perhaps some requirements on fence post depth or spacing to ensure building safety, and stop there.

This ordinance was designed for Woodbury, not Lake Elmo. I urge you to vote it down.

Best regards,



Charles L. Dennis II

C: Martin Rafferty
Lake Elmo Leader

Lake Elmo
City Council
July 20, 2004

Agenda Section: Planning, Land Use & Zoning

No. 9D

Agenda Item: Fence Moratorium Exemption Request – 55th Street

Background Information for July 20, 2004:

By a letter of July 6, 2004 four residents of Carriage Station whose homes back to 55th Street North have requested removal of their properties from the Fence Moratorium to allow construction of fencing along their combined north property lines (also the south right of way line of 55th Street North). The fence proposed would mirror that which exists on the property at the southwest corner of Marquess Trail and 55th Street North – 6 feet in height of a picket design.

The Moratorium provides for amendment to remove specific properties, "...if proposed fences will comply with anticipated new regulations...". Review of the both of the proposed fence ordinance amendment drafts finds the fence proposed by these property owners would not comply with either "anticipated" ordinance. By both ordinance drafts the 55th Street side of these properties is a "rear street yard". Fences in rear street yards are permitted (up to six feet solid) by the Planning Commission draft, "...only if specified in the landscaping plan and final plat in subdivisions...". Not the case here. In the City Council version, no fence may exceed 42 inches in height (regardless of percentage open to air/light) in a rear street yard. The property owners specify 72 inches.


While we have attached a draft ordinance to remove these properties from the Moratorium, it does not appear that the terms of the Moratorium would permit the adoption of the removal ordinance based on either of the "anticipated" ordinance drafts.

Action items:

97-137

Motion regarding adoption of an ordinance to remove 4 properties along 55th Street North from the Fence Moratorium

Person responsible:

City Planner 

Attachments:

1. Draft Ordinance to Remove Properties
2. Location Map
3. Applicant's Letter of July 6, 2004
4. Adopted Fence Moratorium Ordinance

Time Allocated:

July 6, 2004

Dear Lake Elmo City Council:

We have all spoken with Tom McCormick regarding a six-foot tall fence that will line the north end of our properties, along 55th street and we have authorized Tom to pursue a fence permit for the project even though we know there is a temporary moratorium on fences.

Our intention is to have a fence built that is identical to Eric Hayes' fence at 12260 Marquess Way N. The Hayes fence is NOT a solid wall fence, is constructed of cedar posts and 3 inch, dog-eared vertical boards with a two-inch split between boards. Hayes' property and fence is adjacent to McCormick's property on the west side of his lot and the fence was built by Midwest Fence, a South St. Paul company that has been an upstanding member of the Better Business Bureau since 1976. We have obtained a quote from Midwest and would like to pursue using them to build this fence also. The east side of the fence would end where the NE corner of Mark Larson's property meets the Carriage Station Business Park.

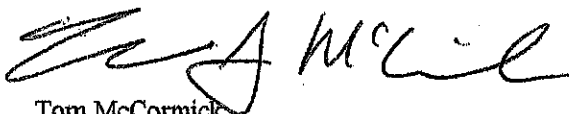
Our objective is to obtain some separation and privacy from the traffic on 55th street, including the post office annex that resides on the other side of the street. As a secondary objective, we realize our four lots control the look of the development for the traffic that travels down 55th to enter the development through the back entrance and we felt it was important for our fences to have a consistent look.

We ask that the city council reviews our request and the properties, if they wish, during the next two weeks. At the next city council meeting, we would like to be an included agenda item, as consideration for an exception to the moratorium, and to be granted a fence permit. Midwest Fence is already scheduled out for the next four weeks and our fear is that the new fence ordinance might not be in place in time for us to have our project completed this summer.

Sincerely,



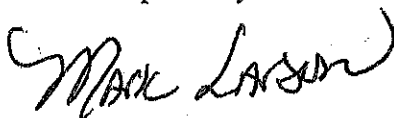
Eric Hayes
12260 Marquess Way N



Tom McCormick
12276 Marquess Way N



Terry Shuman
12288 Marquess Way N



Mark Larson
12300 Marquess Way N

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

ORDINANCE NO. 97-129

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

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

"Section 1360.07

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

ADOPTION DATE: Passed by the Lake Elmo City Council on the 18th day of May, 2004.

EFFECTIVE DATE: This Ordinance shall be effective the day following its publication.

Dated: 5-18-, 2004

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

PUBLICATION DATE: Published on the 2nd day of June, 2004.

F:\users\Janice\Jerry\LE\Fence Ordinance.doc

Lake Elmo
City Council
July 20, 2004

Agenda Section: Planning, Land Use & Zoning

No. 9E

Agenda Item: Limited Business Zoning District – Add Family Entertainment Center

Background Information for July 20, 2004:

The Planning Commission, at its July 12 meeting, conducted a Public Hearing, and adopted a recommendation to not amend the Limited Business text of the Zoning Ordinance to add the use “Family Entertainment Centers”. The Commission had previously directed staff to schedule the Public Hearing based on a proposal by a prospective business owner to establish such a use in the Dolan Marine complex on Hudson Blvd. The ordinance amendment was structured in a manner that accommodate that use in that location, but would, of course, be applicable (if adopted) in any LB zoned site in the City.

It appeared that the primary concerns of the Commission – leading to the recommendation to not add the use as proposed – related to the allowable floor area that would result at the site that served as the initiative (immediate reason) for the proposed amendment (47,000 square feet). The Commission determined that, at that scale, the proposed use would substantially exceed the intended intensity of uses in the LB district that are otherwise limited to 20,000 square feet.

We have attached the draft ordinances considered by the Commission should the Council not agree with the Commission recommendation, and choose to instead amend the Code in this regard in some fashion.

Action items:

Either a Motion to adopt/confirm the Planning Commission recommendation to not amend to the zoning ordinance to include “Family Entertainment Center” as an LB use; **or**, to adopt Ordinance # 97- and Ordinance #97 – amending the zoning ordinance to include the new use and definition.

Person responsible:


City Planner

Attachments:

- 138 139
1. Draft Ordinances #97- and #97 – Amending the City Code
 2. Draft Planning Commission Minutes of July 12, 2004
 3. Planning Staff memo
 4. Proponents' Letter of July 4, 2004

Time Allocated:

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-139

AN ORDINANCE AMENDING SECTION 150
OF THE LAKE ELMO MUNICIPAL CODE
TO INCLUDE A DEFINITION OF A FAMILY ENTERTAINMENT CENTER

Section 1. Amendment: Section 150 "Definitions" of the Lake Elmo Municipal Code is hereby amended to include the definition of Family Entertainment Center, to wit:

Family Entertainment Center

Amusement facilities that may include indoor miniature golf, child play areas, arcade games, batting cages, indoor paint ball, birthday party and family celebration rooms, indoor soccer/field hockey, children's adventure play gardens and laser tag. Also typically included are a small food and beverage area and a small retail area. All facilities are non-alcoholic and smoke free.

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 - 138

**AN ORDINANCE AMENDING SECTION 307.07 SUBDIVISION 4.K.3. AND 4.
RELATING TO CONDITIONAL 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
<u>Family Entertainment Center</u>	<u>47,000 Square Feet Maximum Floor Area Where Site Fronts Hudson Blvd; and, 20,000 Square Feet Maximum Floor Area in All Other Locations</u>
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
-	

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: AMEND CONDITIONAL USES IN LB ZONE

The Planner reminded the Commission of their direction to staff to publish Notice to include Family Entertainment Centers as a Conditional Use in the Limited Business Zone. He reported that a prospective purchaser of the Dolan Marine site had provided a definition of "Family Entertainment Center", and how they would address such a use on the Dolan site. The Planner reported that he had modified the definition by one clause, and provided a section of the LB District Table to include that use as conditional with a maximum square foot building area reflective of the Dolan site. He observed that the resulting maximum building area for this use is larger than all other Limited Business conditional uses. The proposed definition is not subject to this hearing.

Commissioner Ptacek said the code was just amended for a Conditional Uses for the Limited Business. He said his cautiousness was the size of the resultant Family Entertainment Center facility and the intensity of activities of the use for day trips and septic use.

The Planner explained that if and when the Family Entertainment amendment is added to the Code, questions will be asked by the City at that time about impacts of the CUP request.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:59 P.M.

No testimony was offered.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 9:00 P.M.

Commissioner Sedro asked at what point the Commission should consider the wording of the proposed Family Entertainment Center definition.

The Planner said it is okay to consider and talk about the definition at any time since the definition was a key element under consideration, but the definition was not the subject of the Public Hearing since it would not be a part of the Zoning Ordinance.

Commissioner Sessing noted that "paint ball" is in the definition, and that activity jumps out as a safety and welfare issue when compared with otherwise safe activities and uses.

Commissioner Pelletier said paint ball is a concern, and she would be against it.

The Planner said this use would be indoor paintball versus outdoor.

Commissioner Ptacek said this area was intended by the Comprehensive Plan to remain Limited Business. Through square footage the City is trying to make Limited Business low impact, low volume, and low activity. He observed that the maximum building area of 50,000 square feet for a Family Entertainment Center sticks out when compared to all the other uses that are maximized at 20,000 square feet. He also recalled that 110 parties per week at such a facility was mentioned at the last meeting, and that he thought that is much too intense for an LB Zone.

M/S/P, Ptacek/Sessing, To recommend denial of an amendment to add Family Entertainment Center to the Conditional Uses in the Limited Business Zoning District.

The Planner said he considered a geographic limitation – even within the LB Zone. For instance, the PF section prescribes certain uses on only on collector streets. The Commission could do the same with something like this – just as he had drafted the ordinance.

Commissioner Ptacek said he still has a problem with the use scale - even if limited to a Hudson Boulevard location. He stated that he continues to believe that, if the Comprehensive Plan policy is Limited Business in the Hudson Boulevard corridor, the scale of the proposed Family Entertainment Center use is too intense.

Commissioner Sessing said he didn't realize the prospective owners of the Family Entertainment Center were working with a facility of that building area scale.

Commissioner Sedro said she considers properties along Hudson as being different because they are on the perimeter of the City and on the interstate.

Commissioner Pelletier said she is not in favor of that scale of the 50,000 square foot Family Entertainment Center. Limited Business should be just that -- Limited in scale.

Commissioner Deziel said that a use like a Family Entertainment Center on Hudson Road will not have a big impact on the rest of the community since the bulk of traffic to it will not be coming through the City. He stated that he would not see the use as a major problem if it were structured similar to the description in the proponents' July 4 letter.

Commissioner Johnson suggested a friendly amendment to focus just on Hudson Road only.

Commission Sedro asked if we set a precedent for other LB uses that could include "big box" uses by allowing as much as 50,000 square feet of building area.

The Planner answered that could be argued by another LB user.

Commissioner Deziel said that "big box" uses are retail versus the amusement use a Family Entertainment Center would be. The sheer size of the Family Entertainment Center may be as large as a "big box" by the proposed ordinance, but there is not as much traffic with the amusement use as with an equivalent size retail use..

The Planner reminded the Commissioners that their responsibility is to recommend to the City Council their best advice. They can limit the scale to what is closer to what they believe is acceptable. He reminded the Commission that the 50,000 square foot maximum proposed is only a reflection of the proponents' prospective location.

Commissioner Johnson asked if a friendly amendment about size would be possible.

Commissioner Ptacek said he would like his motion to remain as stated.

CALL THE QUESTION. VOTE: 6:2:1 (Nay: Johnson/Sedro, Abstain: Deziel).

MEMO

(July 8, 2004 for the Meeting of July 12, 2004)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Amend Limited Business Uses to Include Family Entertainment

On June 14 the Commission was presented with a proposal by a prospective purchaser of the Dolan Marine property to amend the Zoning Ordinance to include what was described as an in-door family entertainment center. Staff advised the Commission that such a use was not anticipated by the Zoning Ordinance as an allowable use in any zoning district. An amendment to the Ordinance would be necessary if the use was to be considered by the City at the Dolan (or any other) site.

The Commission adopted direction to Staff to publish Notice of a Public Hearing to consider amending the Limited Business Zone (LB) to include a family entertainment center as a Conditional Use. That action was in recognition of the present General Business (GB) zoning of the Dolan site, but also in recognition that the proper zoning for that site (for compliance with the Comprehensive Plan) is Limited Business (LB). Should the zoning text amendment proposed by adopted, the prospective purchasers of the Dolan site would apply for their Conditional Use Permit and rezoning from GB to LB concurrently.

As directed, Staff has published a Public Hearing Notice for a Hearing on this matter July 8. The prospective purchaser of the Dolan site has provided a July 4 Memo that suggests a general definition for Family Entertainment Center, as well as a description as to how this party would apply that definition to the Dolan site. This second portion of the Memo is not a matter for Commission discussion or action at this point, however. That discussions/action should await a Commission/Council decision regarding the Code amendments and a formal CUP application (if allowable).

The Hearing is to consider amendment to the list of LB Conditional Uses to allow Family Entertainment Centers. Note that I have set up the building area maximum to accommodate what could be an application by the prospective purchasers of Dolan – 50,000 square feet. I have also prepared an amendment to Section 150 of the City Code (Definitions) that provides a definition of Family Entertainment Center that parallels that provided by the Mr. Larson by his July 4 Memo. While the definition is not technically a subject of the Public Hearing, it is critical to the issue at hand and must be considered in concert with the LB use amendment.

The Commission's action will be to adopt a recommendation to the City Council as to whether or not to amend the zoning ordinance and Section 150 of the City Code as here suggested – or in another form.

To: Mr. Chuck Dillerud
City Planner, City of Lake Elmo
and
Mr. Martin Rafferty
City Administrator, City of Lake Elmo
3800 Laverne Ave. North
Lake Elmo, MN 55042

July 4, 2004

RECEIVED
JUL 06 2004

From: Doug Larson
Owner, Family Entertainment Center

Subject: Lake Elmo Zoning Ordinance Change Request

Chuck & Martin,

Per our conversation last week, I am sending you the official description of a proposed business for the Lake Elmo property, currently doing business as Dolan's Marine. As we discussed, I am requesting that this new business type be added to the current allowed uses under the Lake Elmo Municipal Code, Limited Business section. The property would be re-zoned LB (currently GB), to reflect the overall plan designated for this area.

Per conversations with Lake Elmo city council members, this corridor area has long term plans for a business park environment. The use I am requesting will fit into those plans. This facility will give people a place to come in and eat a quick lunch, relax by hitting a few baseballs or even play a quick round of mini golf or a video game. It will also serve as a great place for parents to bring their children for an hour or two while they go into the office on evenings or weekends.

Traffic concerns will be nullified by this facility as the peak hours for use would be evenings and weekends so as not to effect normal business traffic on Hudson Road as other businesses locate and develop along the corridor. While the facility would be open for business during the day, traffic flow into and out of the business would be light.

The new business type is categorized as a Family Entertainment Center (FEC). The official description is as follows:

"A new generation of amusement facilities that may include indoor miniature golf, child play areas, arcade games, batting cages, indoor paint ball, birthday party and family celebration rooms, indoor soccer/field hockey, children's adventure play gardens and laser tag. Also typically included are a small food and beverage area and a small retail area. **These facilities are non-alcoholic and smoke free.** Family Entertainment Centers are referred to in the industry as FEC's."

The exact uses for **this particular property** would be as follows:

Building 1 - 70' x 475' (main building)

- a. Indoor miniature golf (not to exceed 10 holes).
- b. Small child play area to include child safe entertainment/activities and arcade games/rides.
- c. Small retail area not to exceed 750sf.
- d. Snack bar/kitchen. Menu items may be: Hot dogs, hamburgers, chips, ice cream, cotton

- candy, pizza, candy items, drinks (non-alcoholic only), misc. snack food items.
- e. Birthday party rooms for private birthday celebrations.
 - f. General arcade area with arcade games to include air hockey, pool tables, video games, ticket redemption games, etc.
 - g. Indoor soccer/field hockey arena.
 - h. Indoor batting cages and pitching tunnel.

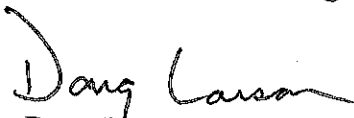
Building 2 - 70' x 200' (secondary building)

- a. Indoor, controlled paint ball to include league play.
- b. Storage garage
- c. (2) 25' x 70' rental areas currently occupied by boat repair/maintenance.

Current Fenced Outdoor Space

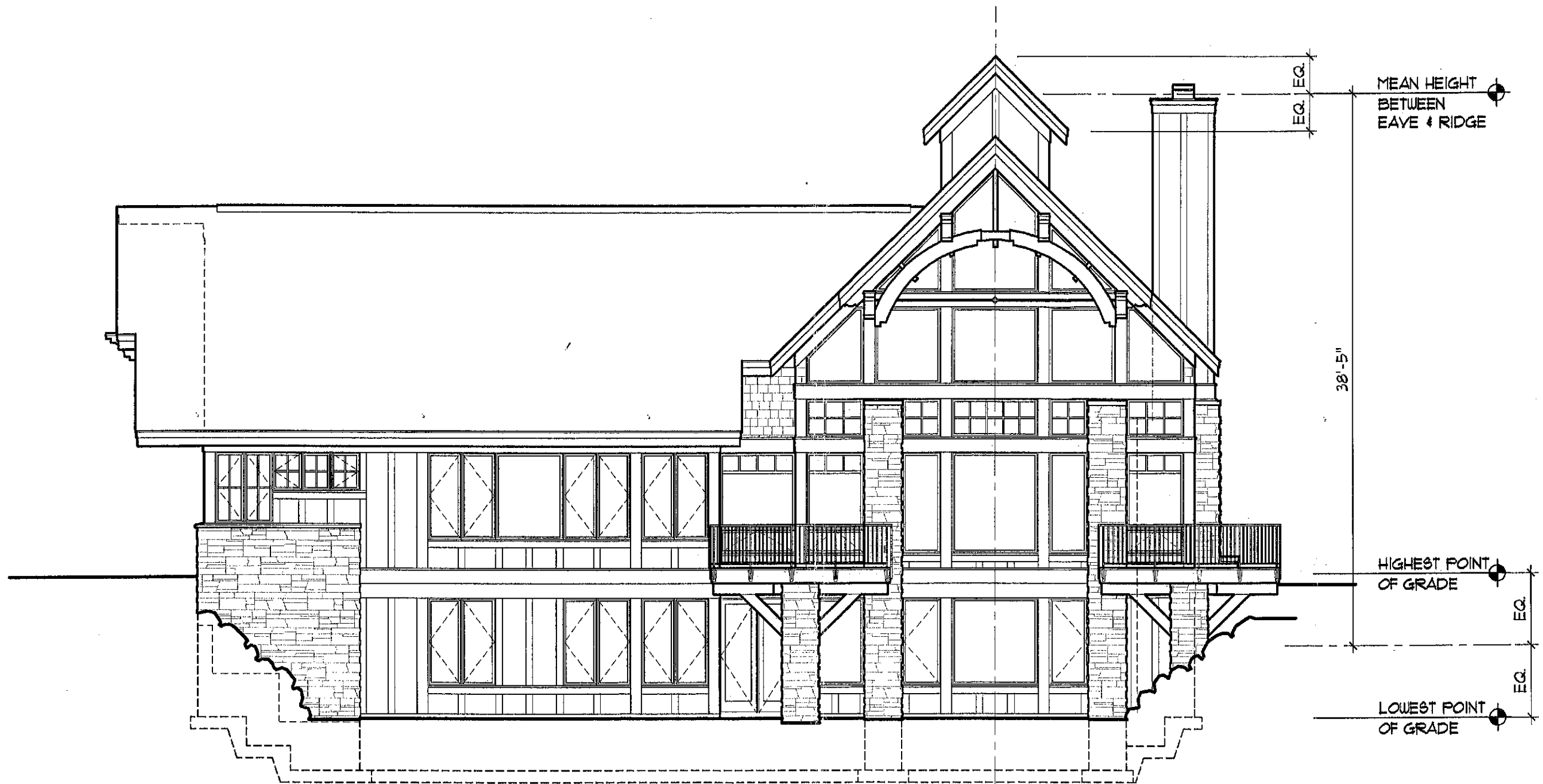
Continue to use and maintain as outdoor storage for boats and RV's. Current fenced space does not exceed 50,000sf. This property will be in compliance with the Lake Elmo ordinance pertaining to maximum area to be covered and will not exceed 25% of lot size.

Chuck and Martin, I strongly believe that this type of business can and will be enjoyed by the entire community. As you see, these facilities are not a "pool hall/hang-out" setting. They are designed for family fun. Please let me know if you have any further questions and when this proposal can be submitted to the City Planning Commission and City Council for approval. I look forward to working with you and your Lake Elmo staff on this project.

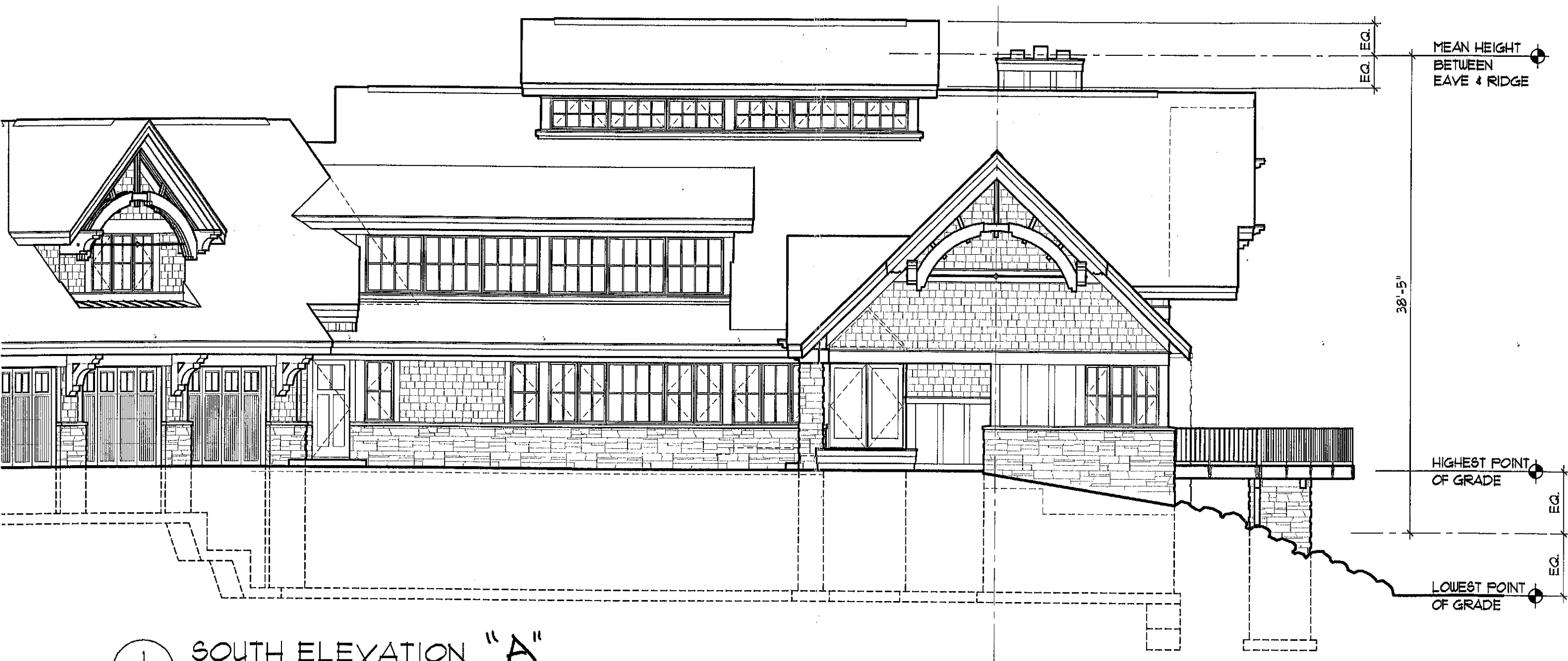


Doug Larson

(H) 651-731-5858 / (C) 612-245-6038



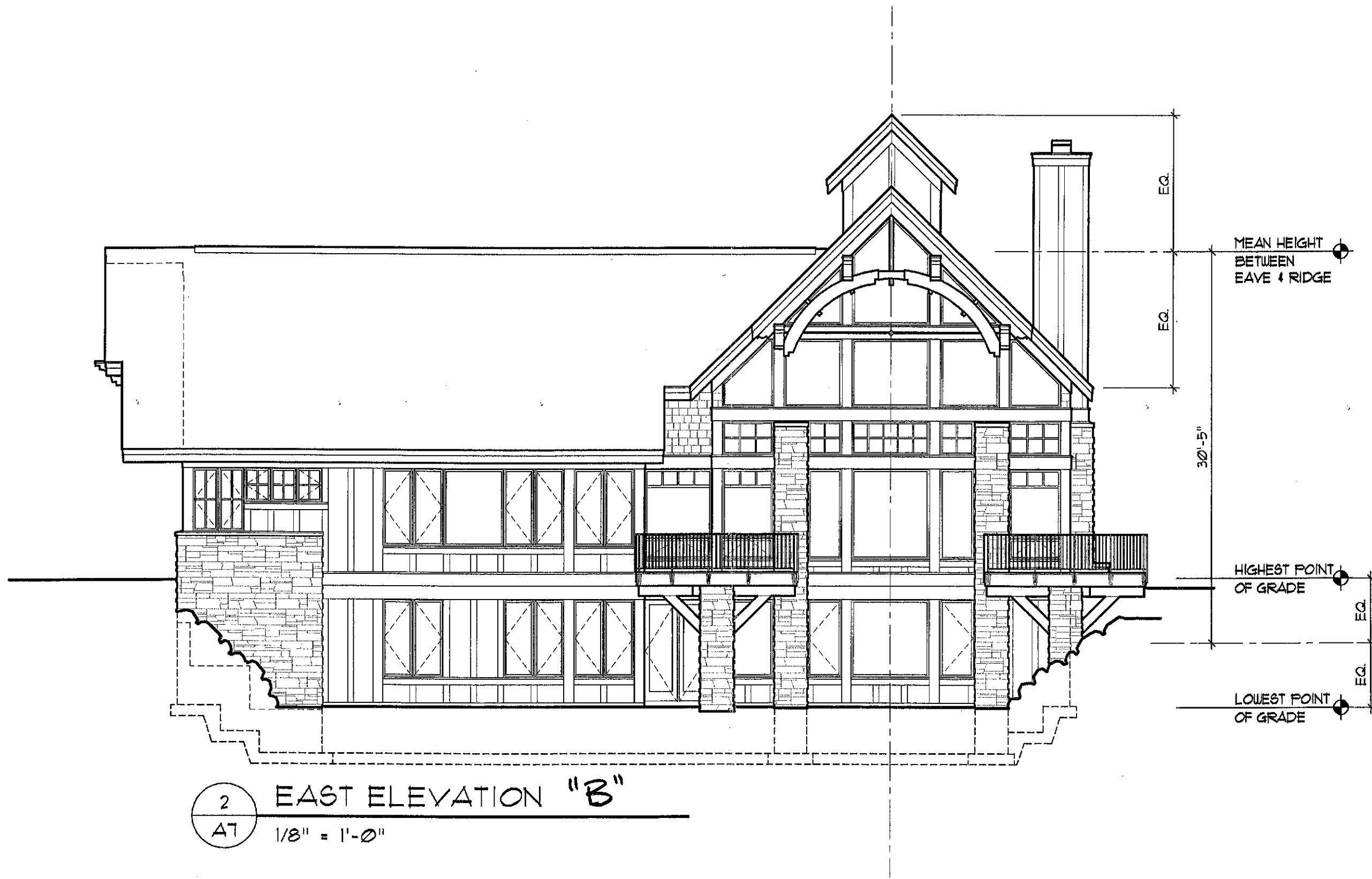
2 EAST ELEVATION "A"
A1 1/8" = 1'-0"

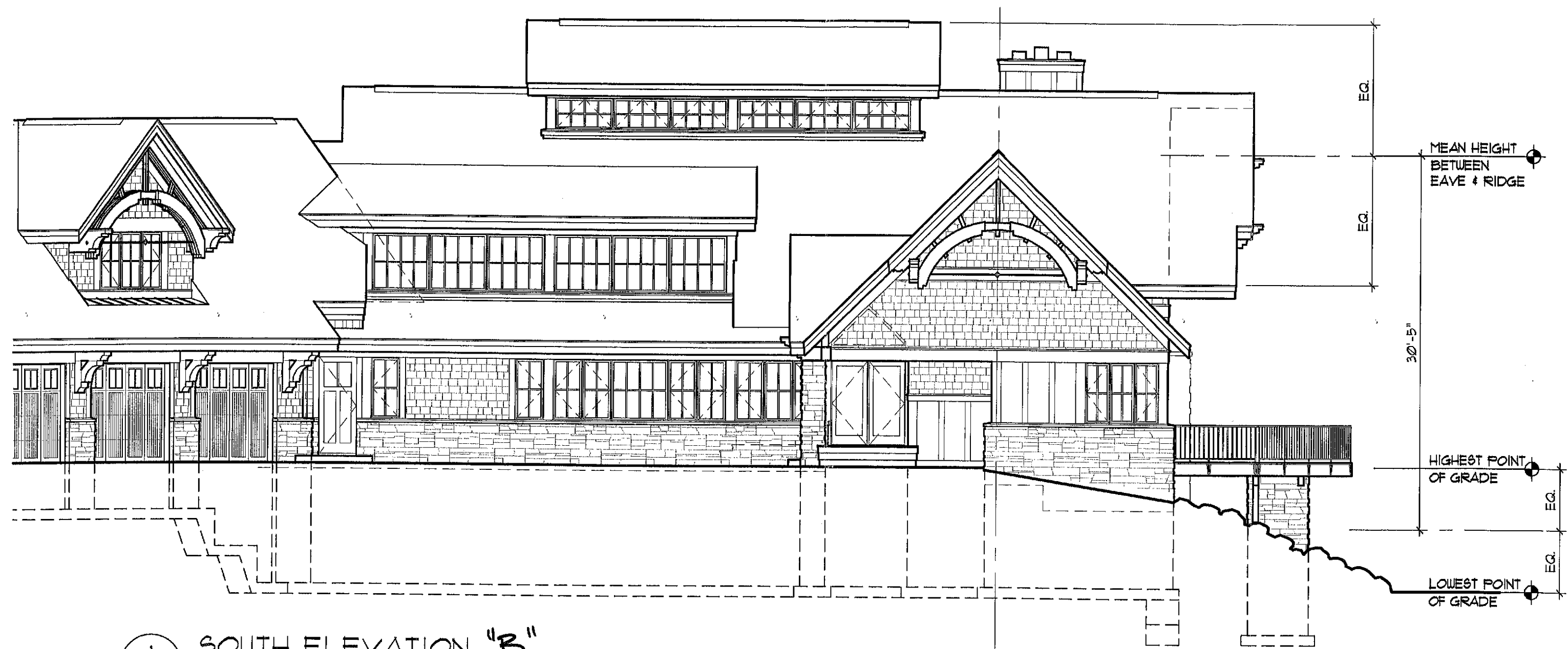


1
A6

SOUTH ELEVATION "A"

1/8" = 1'-0"

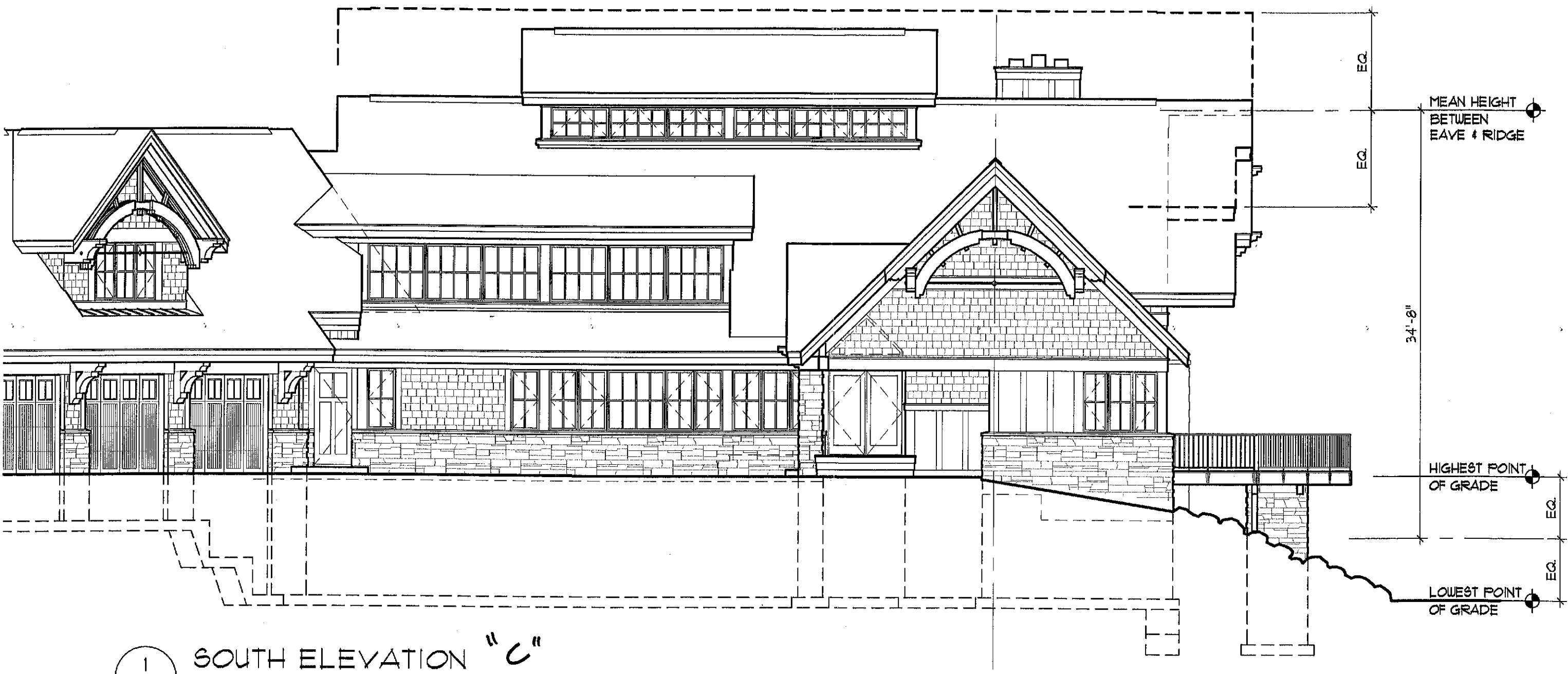




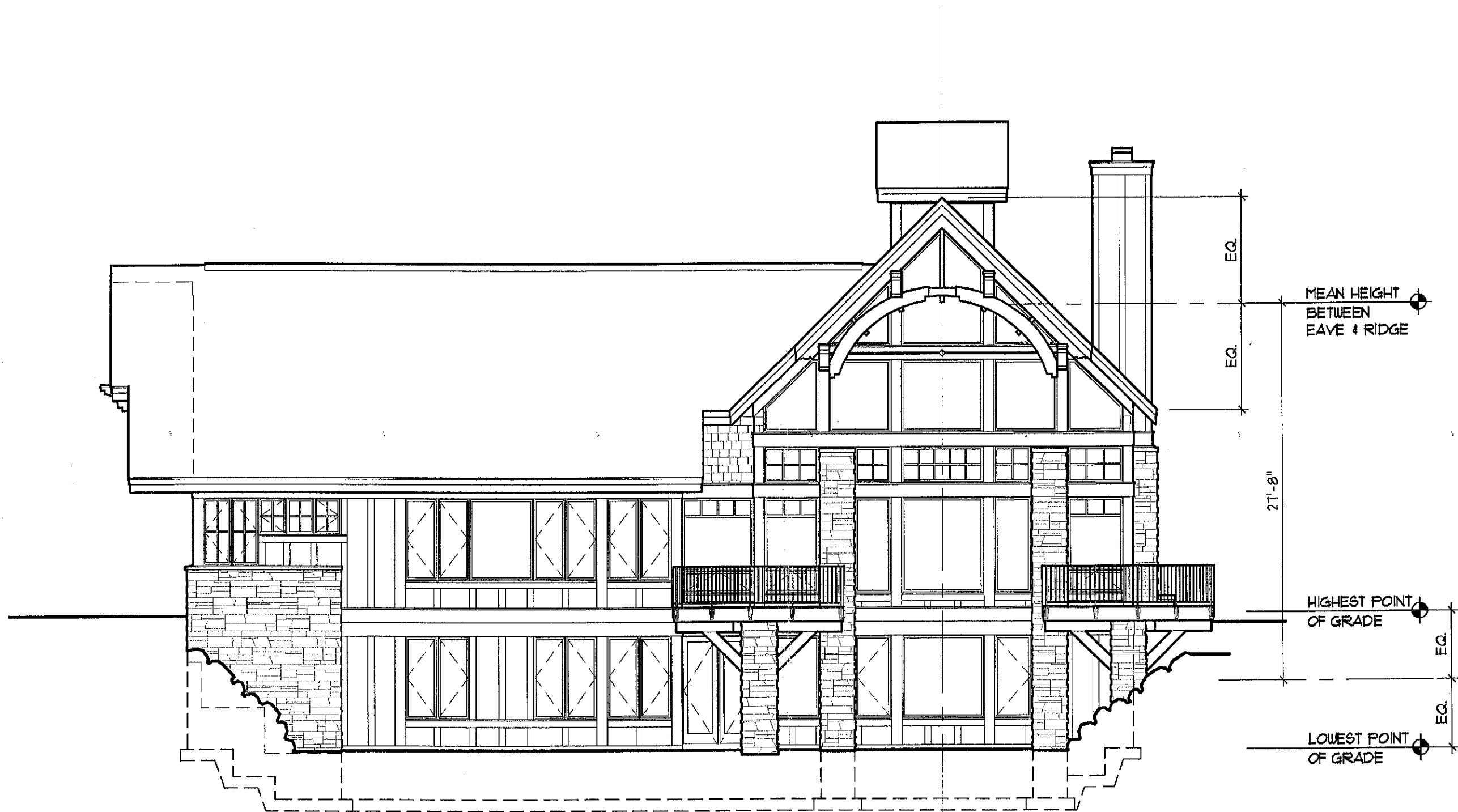
1 SOUTH ELEVATION "B"
A6 1/8" = 1'-0"



2 EAST ELEVATION "C"
A7 1/8" = 1'-0"



1 SOUTH ELEVATION "C"
A6 1/8" = 1'-0"

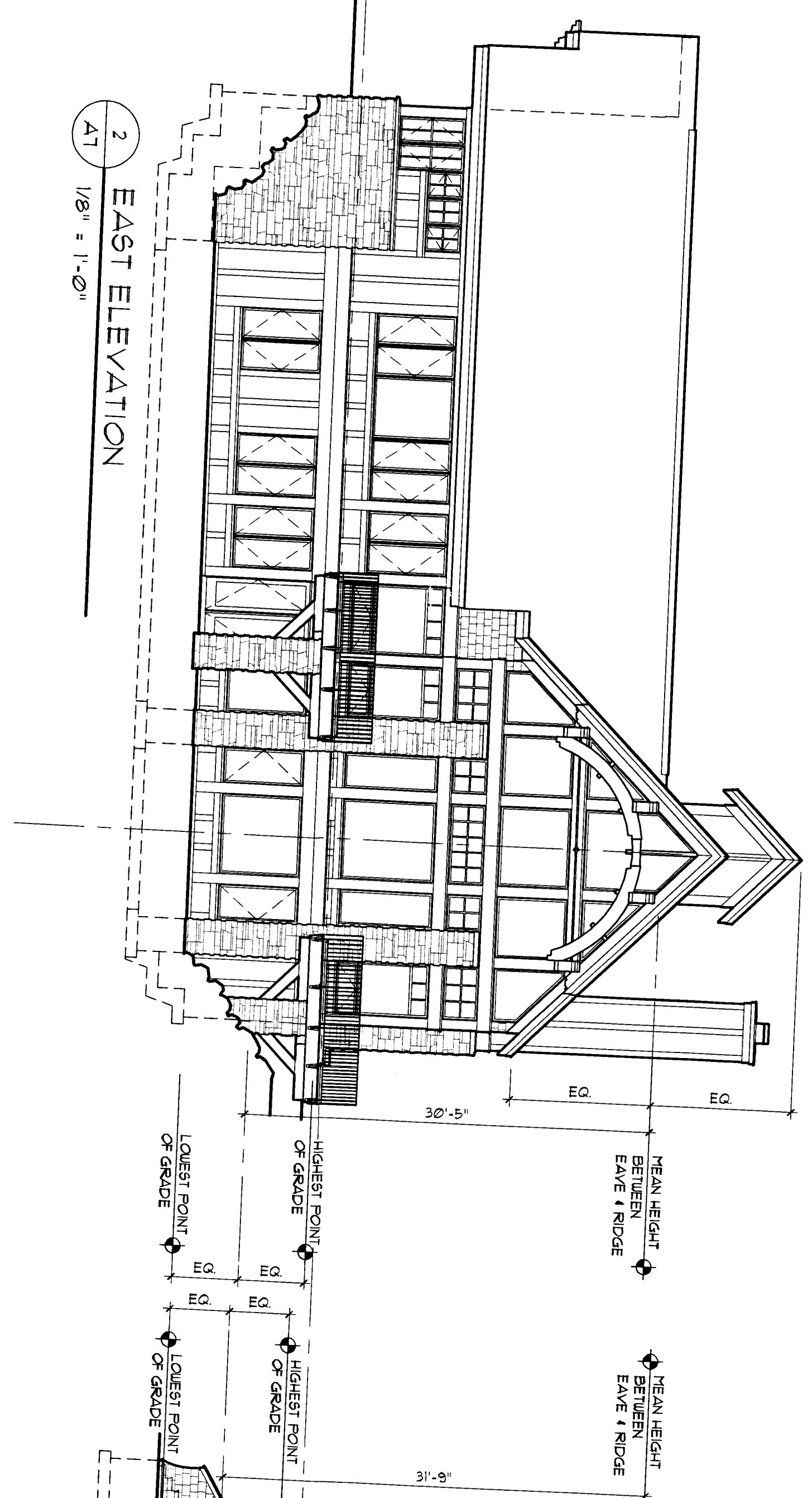


2 EAST ELEVATION "D"
A7 1/8" = 1'-0"

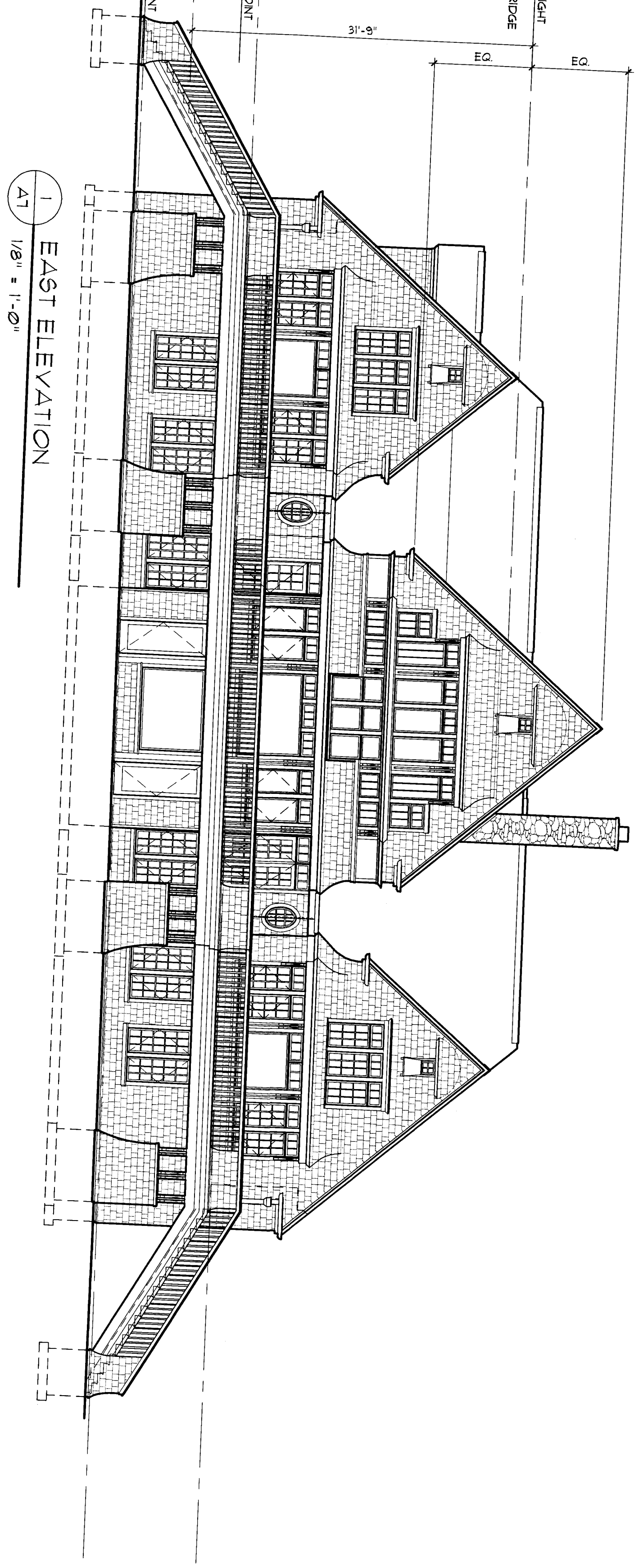


1 SOUTH ELEVATION "D"
A6 1/8" = 1'-0"

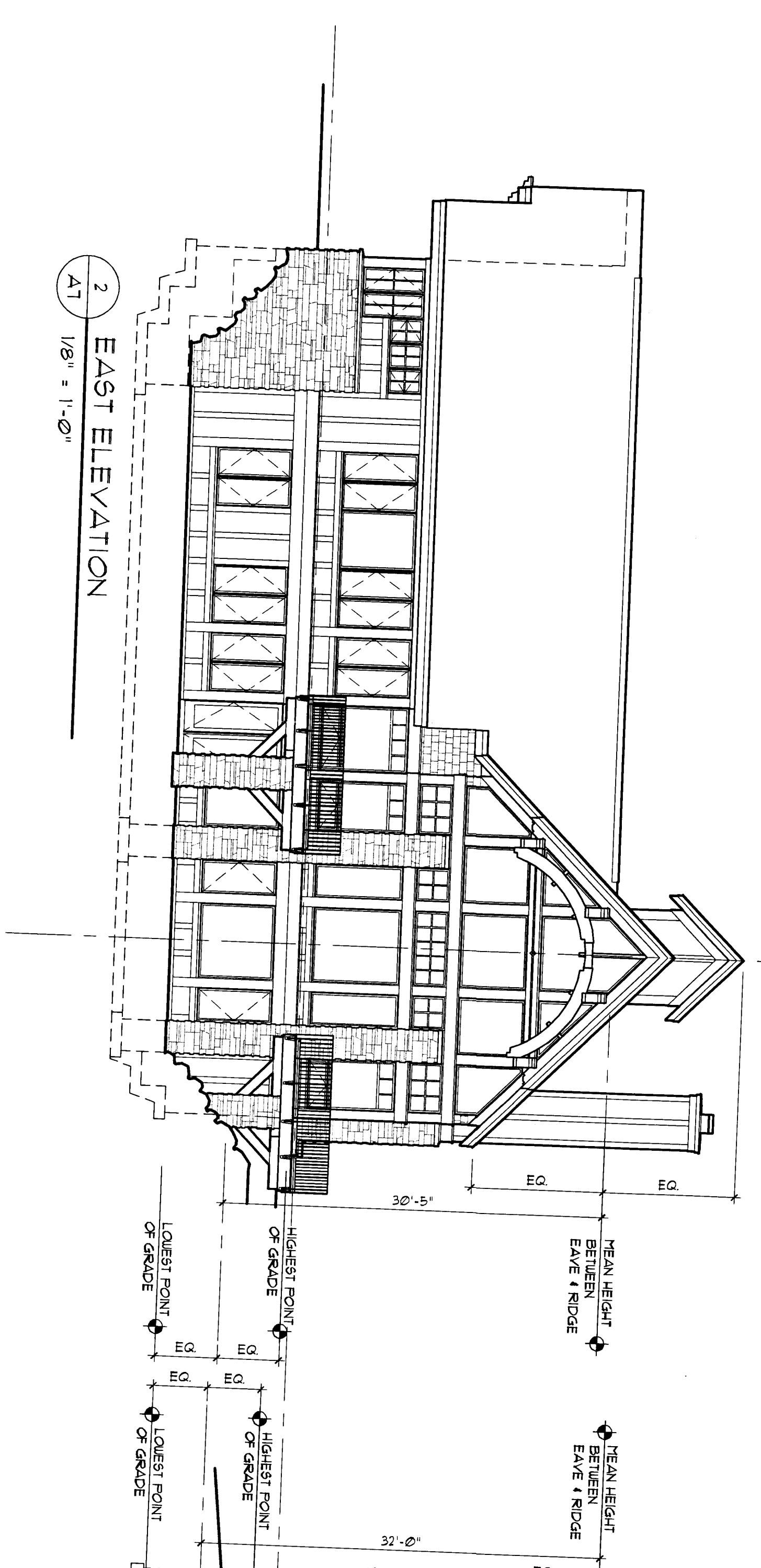
HIPPLE RESIDENCE



MODEL HOME



HIPPLE RESIDENCE



TORGERSON RESIDENCE

