

File

Mayor:
Lee Hunt

Councilmembers:
Steve DeLapp
Susan Dunn
Dean Johnston
Wyn John

Lake Elmo City Council

Tuesday, August 17, 2004

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

Please read:

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

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

Agenda

City Council Meeting Convenes 7:00 PM

Pledge of Allegiance	
1. Agenda	
2. Minutes	August 4, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:	Public Inquiries/Informational is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.
4. CONSENT AGENDA A. Resolution No. 2004-068: Approve Claims B. Reschedule November 2 Council Meeting C. Resolution No. 2004-072 Approve Additional Claim	Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.
5. FINANCE A INFORMATIONAL: Date Change for Public Hearing on Bond Resolution August 31, 2004 B. INFORMATIONAL: Monthly Operating Report	Tom Bouthilet
6. NEW BUSINESS	
7. MAINTENANCE/PARK/FIRE/BUILDING: A Update on Building Dept. Activities: Jim McNamara B. Fire Sprinklers - Prairie Ridge Office Park	

<p>8. <u>CITY ENGINEER'S REPORT:</u> A. PUBLIC HEARING:Assessment for Hill Trail N./50th Street; Resolution No. 2004-069 B. PUBLIC HEARING:Assessment for 2004 Overlay Project; Resolution No. 2004-070 C. Proposed 4-way Stop Highlands Trail/59th Street D. VFW Ball Field Lights</p>	<p>Tom Prew</p>
<p>9. <u>PLANNING, LAND USE & ZONING:</u> A. Open Space Concept Plan:Tapestry at Charlotte's Grove;Resolution No. 2004-071</p>	<p>C. Dillerud</p>
<p>10. <u>CITY ATTORNEY'S REPORT:</u></p>	<p>J. Filla</p>
<p>11. <u>CITY ADMINISTRATOR'S REPORT:</u> A. Highway 5 B. Fire Service Agreement with City of Hudson, WI C. Disposal of Fire Equipment D. Animal Ordinance Amendment E. Purchase offer for 3585 Laverne Avenue</p>	<p>M.Rafferty</p>
<p>12. CITY COUNCIL REPORTS: A. Mayor Hunt:Board of Directors Vacancies; LMC 2004 Annual Conference B. Council Member DeLapp C. Council Member Dunn D. Council Member Johnston E. Council Member John:Discussion of Smoking Ban</p>	
<p>PRIMARY ELECTION: September 14, 2004</p>	<p>Environmental Commission Meeting: RESCHEDULE Wednesday, August 18, 7 p.m. to September 15, 2004</p>

LAKE ELMO CITY COUNCIL MINUTES

WEDNESDAY, AUGUST 4, 2004

(The Council meeting has been rescheduled from August 3, 2004
because of National Night Out)

1. AGENDA
2. MINUTES: July 20, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
4. CONSENT AGENDA:
 - A. Resolution No. 2004-062 Approving Claims
 - B. Request for Meehan Family for an Extension of time to Record Final Plat
 - C. Ordinance Amending Definition for Building Height (POSTPONED)
 - D. Resolution No. 2004-062: Appointing Election Judges for Primary and General Election
 - E. Resolution No. 2004-063: Designating Polling Places for the Primary and General Election
5. FINANCE:
 - A. Schedule Meeting Date for Bond Resolution and Amend CIP
6. NEW BUSINESS
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Fire Department Activities: Fire Chief Malmquist
8. CITY ENGINEER'S REPORT:
 - A. Landscape Security Release-Eagle Point Business Park
9. PLANNING, LAND USE & ZONING:
 - A. Resolution No. 2004-064: Request to MnDOT for Iris Avenue Street Sign
 - B. Fence Ordinance: Ordinance No. 97-137
 - C. Fence Moratorium Request at 55th Street N. (Postponed)
 - D. Limited Business Zoning District – Add Family Entertainment Center
(Tabled at the request of the applicant)
 - E. Resolution No. 2004-065: Final Plat, OP Plat & Development Agreement;
Whistling Valley Second Addition
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. New Public Facilities: City Hall, Public Work Facilities and Possible Fire Station
12. CITY COUNCIL REPORTS
 - A. Mayor Hunt: Smoking Ban

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

1. AGENDA

DELETE: 9C. Fence Moratorium Request, TABLE: 9D at the request of the applicants;
ADD: 8B. Resolutions Calling for Assessment Hearings, 11D. Supreme Court Position,
Update on 37th Street Property
M/S/P Johnston/DeLapp - to approve the August 4, 2004 City Council agenda, as
amended. (Motion passed 4-0).

2. MINUTES: August 4, 2004

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

3. PUBLIC INQUIRIES/INFORMATIONAL:

Paul Ryberg, Friends of Lake Elmo Library, thanked the Council for paying for the booth
at the Washington County Fair and they still were looking for volunteers to man the
booth.

Liz Johnson, Planning Commission member, stated she thought white is a rural color for
a fence and asked the Council to reconsider discouraging particular colors which she felt
only sets up residents that could afford a fence of particular colors because they are more
expensive.

4. CONSENT AGENDA:

A. Resolution No. 2004-061 Approving Claims

M/S/P Johnston/DeLapp - to adopt Resolution No. 2004-061 approving Claim Numbers
DD203 through DD210 25931 through 25947, which were used for staff payroll dated
July 22, 2004, Claim Numbers 25948 through 25988 dated August 3, 2004 in the total
amount of \$245,233.95. (Motion passed 4-0).

Council member Johnston asked what the accumulative expenses were for fighting the
Met Council. Finance Director responded \$343,102 and anticipated expenses throughout
December.

B. Request for Meehan Family for an Extension of Time to Record Final Plat

Torre Pines was given preliminary plat approval July 1998 and final approval for all but
three lots in September 1998. The City was informed at that time that Mr. Meehan would
continue to live in the existing home on the 10 acres and that the final plat for these four
lots would not be done at this time. The Meehans are requesting another one-year
extension. Our code allows for this extension, but requires Council approval on a yearly
basis.

M/S/P Johnston/DeLapp -- to grant the Meehan's a one-year extension of the Final Plat of
Torre Pines, specifically the parcel snow shown as Lot 15. (Motion passed 4-0).

- C. Ordinance No. 97- Amending Definition for Building Height (Postponed to 8/17)
- D. Resolution No. 2004-062:Appointing Election Judges for Primary and General Election

M/S/P Johnston/DeLapp – to adopt Resolution No. 2004-062, Appointing Elections Judges for the September 14, 2004 Primary Election and the November 2, 2004 General Election. (Motion passed 4-0).

- E. Resolution No. 2004-063:Designating Polling Places for the Primary and General Election

M/S/P Johnston/DeLapp – to adopt Resolution No. 2004-063, Designating Polling Places for the September 14, 2004 Primary Election and the November 2, 2004 General Election. (Motion passed 4-0).

5. FINANCE

- A. Schedule Meeting Date for Bond Resolution and Amend CIP

The Council selected Tuesday, August 24, 2004, 7 p.m. to hold the Public Hearing for the Bond Resolution and Amend the CIP.

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

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

Fire Chief Malmquist reported the Department was invited to two neighborhoods for National Night Out. The Department calls are down 40 to 50 calls from 2003. All of the Firefighters on staff are First Responders. The Department will be attending Fire Fighter Day at the Washington County Fair on Saturday.

8. CITY ENGINEER'S REPORT:

- A. Landscape Security Release-Eagle Point Business Park

Planner Dillerud reported two growing seasons have been completed for the landscape improvements at the Eagle Point Business Park (office condos on Eagle Point Blvd.). Mike Bouthilet has inspected the landscaping and reported the landscaping complies with the approved landscape plan for the site. He noted a handful of trees that had not survived have been replaced by the project developer. Staff recommended release of the \$89,900 Letter of Credit securing the landscape plan for this site.

M/S/P Johnston/DeLapp - to approve release of M&I Bank Letter of Credit #SB6244 securing the landscape improvements of the Eagle Point Business Park based on the Finding that the landscape improvements are complete per approved plans and the landscape materials have survived two growing seasons. (Motion passed 4-0).

B. Resolution No. 2004-066: A Resolution Calling a Public Hearing on Proposed Assessment for the 2004 Overlay Project

M/S/P DeLapp/John – to adopt Resolution No. 2004-066, A Resolution for Hearing on August 17, 2004, 7 p.m., for the Proposed Assessment for the 2004 Overlay Project: 49th Street, Jane Circle North, Jasper Avenue North, Jerome Avenue North. (Motion passed 4-0).

C. Resolution No. 2004-067: A Resolution Calling a Public Hearing on Proposed Assessments for the Improvement of Hill Trail N.

M/S/P DeLapp/John – to adopt Resolution No. 2004-067: A Resolution for Hearing on August 17, 2004, 7 p.m., for the Proposed Assessment for the Improvement of Hill Trail North and 50th Street North. (Motion passed 4-0).

9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2004-064: Request to MnDOT for Iris Avenue Street Sign

Planner Dillerud reported the Wildflower Shores HOA has requested installation of the large MnDOT street signs on State Highway 5 identifying the Iris Avenue intersection. These would be the same signs that now identify several other streets that intersect State Highway 5.

MnDot has requested a resolution of the Council. A proposed resolution was provided for Council approval.

M/S/P DeLapp/John - to adopt Resolution No. 2004-064, Requesting MnDOT to install street signs for Iris Avenue serving the Wildflower Shores neighborhood. (Motion passed 4-0). Council member Dunn asked staff to look into the possibility of a smaller scale size than the Klondike Avenue street sign.

B. Fence Ordinance

Planner Dillerud reported that at the July 20th meeting, the Council tabled the proposed new fence ordinance to enable staff to consider incorporating additional items that Council Members would communicate to staff in writing. Staff received comments from Council members DeLapp and Johnston and Administrator Rafferty.

M/S/P Dunn/Johnston – to amend the text in Section 302.02 Fence Materials, Subd. 1 – Permitted Fence materials by deleting “other than those white in color”. (Motion passed 3-1:DeLapp).

M/S/F Dunn/John – to amend the text in Section 302.02 Fence Materials, Subd. 3 – Chain Link or Cyclone Fences by deleting “and shall be black or green in color”. (Motion Failed 2-2:Johnston said he didn't like the galvanized fences, DeLapp).

M/S/P Johnston/Dunn – to amend the text in Section 302.02 Fence Materials, Subd. 3 – Chain Link or Cyclone Fences by striking “and shall be black or green in color”.
(Motion passed 3-1;DeLapp)

M/S/P Johnston/Dunn – to amend the text in Section 302.04 Temporary Fences, Subd. 1 – Defined to read “Temporary Fences shall be open to light and air over not less than “40%” of the fence surface area.” (Motion passed 4-0).

M/S/P Johnston/DeLapp – to amend the text in Section 302.06 Fences as Screening and Security as Required by This Code by adding “Item 4. No such screening shall be roofed or covered in any manner. (Motion passed 4-0).

The Council suggested that in Section 302.02 add Temporary Fences as exclusion to requiring a building permit. Council member Johnston asked if temporary fences are adequately defined. Attorney Filla responded that temporary fence definitions could have other fences; such as, garden, snow fences and swimming pool fences which are installed and removed on a seasonal basis.

M/S/P Johnston/DeLapp – to not require a building permit for temporary fences. (Motion passed 4-0).

Attorney Filla suggested adding the words “6 months administratively.”

M/S/P Johnston/John – to amend the text to read in Section 302.07, Item 1. Fence Permits Required: All such fences shall be removed by the property owner within 6 months of the termination of the keeping of Domestic Farm animals, unless an extension is specifically authorized by City Council action. (Motion passed 4-0).

M/S/P Johnston/John – to adopt Ordinance No. 97-137, Fence Ordinance, as amended. (Motion passed 4-0).

M/S/P Johnston/John to amend the agenda add 9B New Fence Ordinance and Repeal of Fence Moratorium. (Motion passed 4-0).

M/S/P Johnston/DeLapp – to repeal the Fence Moratorium. (Motion passed 4-0).

Planner Dillerud will address Council member Johnston’s concern on clarification of fences in the OHW setback in the shoreland ordinance.

C. Fence Moratorium Request at 55th Street North:

This agenda item was postponed to August 17th Council meeting per the request of resident, Tom McCormick.

D. Limited Business Zoning District – Add Family Entertainment Center:

This agenda item was tabled at the request of the applicant.

E. Resolution No. 2004-065:Final Plat, OP Plan & Development Agreement-Whistling Valley Second Addition

Planner Dillerud reported Bald Eagle Development has applied for Final Plat approval of the 18 lot Second Addition for Whistling Valley in the Northwest Quadrant of Keats Avenue and 10th Street North. The Final Plat proposed is response to the approve Preliminary Plat and the conditions to that approval (no direct trail access is proposed to the Regional park). The City Attorney prepared a Development Agreement covering the responsibilities and financial requirements of the developer. The final landscape plan includes forestation exceeding the requirements of both the OP Ordinance and he Subdivision Code. Staff recommended adopt of the Resolution approving the Final Plat OP Plan and Development Agreement.

M/S/P Johnston/John - to adopt Resolution No. 2004-065, (change to concrete curb) A Resolution approving the Final Plat, Final Plan, and Development Agreement of Whistling Valley Second Addition per plans staff-dated July 29, 2004. (Motion passed 4-0).

10. CITY ATTORNEY'S REPORT:

Attorney Filla reported the property on 37th street has gone tax forfeit and he will come back with an estimate of costs for proceeding.

11. CITY ADMINISTRATOR'S REPORT:

A. New Public Facilities: City Hall, Public Work Facilities and Possible Fire Station

A presentation was made by staff and Tom Prew and Terri Olsen, TKDA, for a new City Hall, Public Works and potential Fire Facility. Two different options for a new city hall complex were discussed, one site is the Brookfield II site, 3880 Laverne Avenue N., and the second site is where Lions Park is located, 3525 Laverne Avenue, across from the Lake Elmo Fire Hall. The Council did not make a decision between the two sites, but wanted to proceed with moving the project forward in order to capitalize on the low interest rates currently being offered. Council member Dunn voiced her concerns on the drainage problem that has existed for years and where Lions Park, one of the city's first, would be relocated. She said the concern on high density housing in the Old Village area was brought out at the public meetings. Council member DeLapp pointed out the plans didn't show senior housing and didn't deal with the space around city hall. Administrator Rafferty reported staff has met with two master developers and they had positive things to say on this proposal.

M/S/P Johnston/John - to set the public hearing date for August 24, 2004, 7 p.m., to approve bond financing in the amount of 4,900,000 for a new city hall complex. (Motion passed 4-0).

B. Confirmation of Captain Appointment

M/S/P Johnston/John – to confirm the appointment of Bruce Cohen to Captain of the Lake Elmo Fire Department. (Motion passed 4-0).

12. CITY COUNCIL REPORTS:

Council member DeLapp announced the Sierra Club will hold a Tour de Sprawl bicycle tour through the City on September 18th and are looking for the city to offer a squad escort along 10th Street.

M/S/P Johnston/DeLapp – to request the Washington County Sheriff's Department to work with the Sierra Club to provide a squad escort on 10th Street N. for the bicycle tour, Tour de Sprawl, on September 18, 2004. (Motion passed 4-0).

Administrator Rafferty reported there will be a workshop on the County-wide assessment proposal, Tuesday, August 10, 10:15 a.m., in the Washington County Board Room. The Supreme Court decision will come out on Thursday, 1 p.m. He spoke to the Mayor of Minnetrista, which is experiencing similar problems with the Met Council.

Discussion on the smoking ban will be referred to the Public Health and Safety Council Committee. Discussion on purchase of a speed trailer in regard to issues on Highlands Trail will be added to the Public Works Council Committee agenda.

Council adjourn the meeting at 9:30 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2004-061 Approve Claims
Resolution No. 2004-062 Appoint Election Judges
Resolution No. 2004-063 Designate Polling Places
Resolution No. 2004-064 Request to MnDOT for Iris Avenue Street Sign
Resolution No. 2004-065 Final Plat of Whistling Valley Second Addition
Resolution No. 2004-066 Call a Public Hearing on Assessments for 2004 Overlay
Resolution No. 2004-067 Call a Public Hearing on Assessments for Improvement of Hill Trail

Ordinance No. 9-137 Fence Ordinance

MINUTES APPROVED: August 4, 2004
LAKE ELMO CITY COUNCIL MNUTES

JULY 20, 2004

1. AGENDA
2. MINUTES: JULY 6, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Informational
4. CONSENT AGENDA:
 - A. Resolution No. 2004-058: Approve Claims
 - B. Finance Specialist
 - C. Oakdale Water: Resolution No. 2004-060
5. FINANCE:
 - A. Monthly Operations Report: Informational
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Building Dept. Activities: Building Official
8. CITY ENGINEER'S REPORT:
 - A. Carriage Station Grading: (Verbal)
9. PLANNING, LAND USE & ZONING:
 - 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
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Meeting Time of Council Committees
12. CITY COUNCIL REPORTS:
 - A. Mayor Hunt
 - (1) Update on Met Council Meeting
 - (2) National Night Out
 - (3) Smoking Ban

Mayor Hunt called the Council meeting to order at 7 p.m. in the Council chambers.
PRESENT: John, Hunt, Johnston, DeLapp, City Engineer Prew, Attorney John Miller,
City Planner Dillerud, Building Official McNamara, and Administrator Rafferty.
ABSENT: Council Member Dunn

M/S/P DeLapp/Johnston - to adopt Resolution No. 2004-059, A Resolution approving a variance to permit reconstruction of a pre-existing deck within the Shore land OHW of Downs Lake at 2225 Legion Lane per plans staff dated July 8, 2004, and based on the recommendation of the Planning Commission. (Motion passed 4-0).

B. Appeal of Administrative Determination: Anderson-Sorenson

The City Planner reported that the home builders in the Whistling Valley OP have appealed determination by the Building Official regarding the application of the definition of Building Height in Section 150 of the City Code. With an architectural feature such as proposed for the roof of this home, the issue is whether the mean height of the gable roof is to be measured from the first roof level or the second upper roof level.

He reported that 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.

Phil Anderson, Anderson-Sorenson stated that the first home built in Whistling Valley is the same height as the one in question. Anderson said he felt the interpretation the builder proposes meets the intent of the Code. He said he was looking for a solid definition to guide their house design process.

Council member Johnston asked if this will start a precedent and come back to haunt the City. Attorney Miller responded the section of the code should be amended for better clarity.

Mayor Hunt suggested the Council approach the issue as we work on the performance zoning.

Administrator Rafferty noted it is important in the short term to adjust the code to reflect any City Council interpretations made as the result of an appeal.

M/S/P Johnston/John - to adopt a Board of Adjustment and Appeals Order directing the Building Official to interpret the definition of Building Height for a hip or gable 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 hip or gable roof and multiple ridge lines. (Motion passed 4-0).

M/S/P DeLapp/John - to direct the staff to adjust the code to preclude the first definition of Building Height and include this interpretation in the new (second) definition. (Motion passed 4-0).

Entertainment Centers as a Conditional Use in the Limited Business zone. He reported that the Commission also considered a new definition for the use to be added to Section 150 of the City Code. Finally, he reported that the Commission recommends the City Council adopt no amendment to the Zoning Ordinance or Section 150 of the City Code regarding the Family Entertainment Center use. He explained that the Commission did not necessarily believe that the Family Entertainment use was inappropriate in the Limited Business zone, but that the proposal to allow a maximum of 50,000 square feet of floor area for that use when all other Limited Business Conditional Uses were now limited to 20,000 square feet suggested an inappropriate scale of use.

Dave Larson, prospective purchaser of the Dolan Marine site explained the Dolan Marine site, 9200 Hudson Blvd., currently includes two buildings, one that is just less than 33,000 square feet and one that is 14,000 square feet. He said that the larger building would be remodeled to include indoor miniature golf, a small child play area, a small retail area, snack bar/kitchen, arcade games, birthday party rooms and indoor soccer/field hockey arena and indoor batting cages; and, that the smaller building could be used for indoor paintball. He suggested that the back six acres would be left as open space with a small fenced-in area to be used for outdoor boat storage.

Sabrina Dolan stated they have been looking to sell the business for some time and when they were approached by Doug Larson about the possibility of turning the location into a family entertainment center, they felt the idea would be a good fit for the City. She said she didn't know why there is an issue with the size, since the project would be using the existing buildings which are grandfathered in. Dolan added that, if the Council is thinking of turning them down, it will have a large impact on their family.

John Bellows, Attorney for Dolan Marine, stated the property could be divided into three separate uses, and pointed out the buildings was grandfathered in, and leaves options.

Council member DeLapp asked what about issues of advertising, lights, noise, traffic, landscaping, parking, and sprinklers. What is the traffic count being proposed? Do we intend to entertain Oakdale and Woodbury customers?

Tom Kendall, Broker for Dolan Marine, asked the City Council to look at what the buyers are trying to do: non alcoholic, no smoking, purely family entertainment, something for the family to do in a safe environment in the winter. He said that the prospective buyers have a vision, and are not asking to raze the bldgs, but to remodel existing facilities and improve the value of property which creates higher tax revenue for the City. He noted that only the approval of the use is what is on the Council's agenda now; and that conditions would be added to the resulting Conditional Use Permit that address Council member DeLapp's concerns.

Jeff Lyman, prospective purchaser of the Dolan site, explained that he uses they would propose are low intensity and not like a big box grocery store. He said they are planning on sprinkling the property.

12. CITY COUNCIL REPORTS:

A. Mayor Hunt

(1) Update on Met Council Meeting

Mayor Hunt reported State Senator Brian LeClair, and mayors/council members from the Grant, Afton, St. Croix Beach, Dayton, Baytown Township, and West Lakeland Township joined Council Member Dunn, Mayor Hunt, Administrator Rafferty and Planner Dillerud at a meeting with the Governor's Chief of Staff Dan McElroy, METC Chair Bell and METC Regional Administrator Weaver early in July to discuss local concerns regarding METC planning mandates to local governments.

Hunt reported that Chair Bell said he heard a collective voice of the support from the communities to have the local planning authority they always had, but that Bell also stated that no government has the absolute right of land use control.

Mayor Hunt would like to sign up more cities in support of local control and ask the support of the League of Minnesota Cities and the Association of Metropolitan Municipalities. Mayor Hunt will meet with the City Administrator as to the strategy in that regard, and report to the Council the last meeting in August.

Council Member DeLapp noted that Council member Dunn deserves a strong commendation from the City Council for arranging the meeting in the Governor's Office. DeLapp also suggested the minutes of the meeting with the Met Council should be sent out to City Council members in other cities and townships.

(2) National Night Out

National Night Out occurs on August 3rd, the same night of the City Council meeting. M/S/P John/Johnston – to move the August 3rd Council meeting to Monday, August 2, 2004. (Motion passed 4-0).

(3) Smoking Ban

Mayor Hunt received a letter from the City of Saint Paul and Minneapolis outlining various approaches taken by other communities in Minnesota and throughout the county on implementing smoking ordinances. This subject will be discussed at the next Council meeting.

Council member Johnston alerted the City of a potential Dutch Elm disease problem which needs to be addressed with the Council support. He noted the City of Oakdale just hired a tree inspector to address this problem. Staff will proceed with a plan of action.

The Council adjourn the meeting at 9:45 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

4A.

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

**RESOLUTION NO. 2004-068
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 211, 212, DD211 through DD229
25898 through 26021, were used for Staff payroll dated August 05, 2004,
Claim Numbers 26022 through 26059 dated August 17, 2004 in the total amount
of \$77,595.27 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 17th day of August, 2004.

Lee Hunt
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: Administrator
Printed: 08/13/2004 - 10:42 AM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACEHARD	Ace Hardware			Check Sequence: 1	ACH Enabled: No
02074566		14.91	08/17/2004	101-450-5200-42230	
02074567		9.04	08/17/2004	601-494-9400-42270	
02078947	Light bulbs for City Hall	49.13	08/17/2004	101-410-1940-42230	
	Check Total:	73.08			
Vendor: ACTION	Action Rental			Check Sequence: 2	ACH Enabled: No
141262	Asphalt Fiber	27.69	08/17/2004	101-430-3100-42240	
	Check Total:	27.69			
Vendor: AmeriMar	AmeriMark Direct			Check Sequence: 3	ACH Enabled: No
10590	Recycling Materials	182.00	08/17/2004	101-430-3200-44300	
	Check Total:	182.00			
Vendor: ARAM	Aramark			Check Sequence: 4	ACH Enabled: No
629-5519490	Linen-City Hall	46.68	08/17/2004	101-410-1940-44010	
	Check Total:	46.68			
Vendor: ARCADELE	Arcade Electric			Check Sequence: 5	ACH Enabled: No
1644	Board at Lionn's Field	1,570.78	08/17/2004	404-480-8000-45300	
1645	Board at VFW Field	1,092.04	08/17/2004	404-480-8000-45300	
	Check Total:	2,662.82			
Vendor: BIFFS	Biff's Inc.			Check Sequence: 6	ACH Enabled: No
W229481	Restrooms	70.26	08/17/2004	101-450-5200-44120	
W229482	Restrooms	140.52	08/17/2004	101-450-5200-44120	
W229483	Restrooms	70.26	08/17/2004	101-450-5200-44120	
W229484	Restrooms	70.26	08/17/2004	101-450-5200-44120	
W229485	Restrooms	70.26	08/17/2004	101-450-5200-44120	
W229486	Restrooms	70.26	08/17/2004	101-450-5200-44120	

Amount Payment Date Acct Number

Invoice No Description

W229487	Restrooms Check Total:	70.26 08/17/2004	101-450-5200-44120	ACH Enabled: No
Vendor: CARQUEST D349818	Car Quest Paris Supplies-Public Works Check Total:	10.32 08/17/2004 10.32	Check Sequence: 7 101-430-3100-42210	ACH Enabled: No
Vendor: COPYMAG 50556	Copy Images, Inc. Copier Maintenance Agreement Check Total:	255.60 08/17/2004 255.60	Check Sequence: 8 101-410-1940-44040	ACH Enabled: No
Vendor: EMERGAPP 18937	Emergency Apparatus Maint. Installed new shut off valve Eng.3173 Check Total:	637.85 08/17/2004 637.85	Check Sequence: 9 101-420-2400-44040	ACH Enabled: No
Vendor: EXCELLCO 11014000117	EXCELLCOM Cell Phone Accessories-Public Works Check Total:	21.25 08/17/2004 21.25	Check Sequence: 10 101-430-3100-45800	ACH Enabled: No
Vendor: FARMERS 2007 2056 914 918	Farmers Union Co-Op Oil Fire Dept. Fire Dept. Fire Dept. Car Wash Check Total:	26.50 08/17/2004 18.50 08/17/2004 25.50 08/17/2004 21.26 08/17/2004 91.76	Check Sequence: 11 101-420-2220-42120 101-420-2220-42120 101-420-2220-42120 101-420-2220-44040	ACH Enabled: No
Vendor: GENESIS IVC00052 IVC00066 IVC00066 IVC00066 IVC00066	Next Genesis Productions Firehall PC, Pngng sys, Phone setup Capital Equipment Reset printer - Mike Install Pagemaker Check Total:	254.88 08/17/2004 7,142.06 08/17/2004 50.00 08/17/2004 200.00 08/17/2004 50.00 08/17/2004 7,696.94	Check Sequence: 12 101-410-1320-44300 410-480-8000-45700 101-430-3100-44300 101-410-1520-43180 101-410-1910-44300	ACH Enabled: No
Vendor: GLENWOOD 3988100	Glenwood Ingglewood Public Works Check Total:	74.40 08/17/2004 74.40	Check Sequence: 13 101-430-3100-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:HAGBERGS 00010717	Hagbergs Country Market Check Total:	8.49 8.49	08/17/2004	Check Sequence: 14 101-420-2220-44300	ACH Enabled: No
Vendor:HERITAGE 13251	Heritage Printing Medical Run Forms - FD Check Total:	35.36 35.36	08/17/2004	Check Sequence: 15 101-420-2220-42030	ACH Enabled: No
Vendor:LEOIL 16629 16630 16632 252382 252601 252610 252630 253353 253644 253649 553716 553743 553773 852794 853501	Lake Elmo Oil, Inc. Fuel public Works Fuel public Works Fuel public Works Fuel Parks Fuel Fire Dept. Fuel Fire Dept. Fuel Fire Dept. Fuel Parks Fuel Fire Dept. Fuel Fire Dept. Fuel Fire Dept. Fuel Fire Dept. Fuel Fire Dept. Fuel Fire Dept. Fuel Fire Dept. Fuel Fire Dept. Fuel Fire Dept. Fuel Parks Check Total:	544.25 656.17 764.30 18.00 29.50 24.00 26.61 8.82 39.72 22.63 20.50 20.75 26.95 23.00 30.00 2,255.20	08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004	Check Sequence: 16 101-430-3100-42120 101-430-3100-42120 101-430-3100-42120 101-450-5200-42120 101-420-2220-42120 101-420-2220-42120 101-420-2220-42120 101-450-5200-42120 101-420-2220-42120 101-420-2220-42120 101-420-2220-42120 101-420-2220-42120 101-420-2220-42120 101-420-2220-42120 101-450-5200-42120	ACH Enabled: No
Vendor:MALMQ 08042004 BURN	GregMalmquist 9 Burn permits Check Total:	90.00 90.00	08/17/2004	Check Sequence: 17 101-420-2220-44300	ACH Enabled: No
Vendor:MCFOA 2004-2005	MCFOA MCFOA Annual Membership - Sh. Lumby Check Total:	35.00 35.00	08/17/2004	Check Sequence: 18 101-410-1320-44330	ACH Enabled: No
Vendor:MCLEOD 6001010 6001010 6001010 6001010 6001010 6001010	McLeod USA	280.47 65.90 113.26 132.19 60.45 60.45	08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004 08/17/2004	Check Sequence: 19 101-410-1940-43210 101-420-2220-43210 101-420-2220-43210 101-430-3100-43210 602-495-9450-43210 601-494-9400-43210	ACH Enabled: No

6001010		47.42	08/17/2004	601-494-9400-43210	ACH Enabled: No
6001010		58.83	08/17/2004	602-495-9450-43210	
6001010		67.36	08/17/2004	101-450-5200-43210	
	Check Total:	886.33			
Vendor: MNFIREAS	MN State Fire Dept Assn	180.00	08/17/2004	Check Sequence: 20	
06/2004-06/2005	Annual Membership Fire Dept.	180.00		101-420-2220-44330	
	Check Total:				
Vendor: OAKDRC	Oakdale Rental Center	137.39	08/17/2004	Check Sequence: 21	ACH Enabled: No
32377	Swing Set	137.39		101-450-5200-42250	
	Check Total:				
Vendor: ONECALL	Gopher State One-CallOne Call Concepts, Inc	141.45	08/17/2004	Check Sequence: 22	ACH Enabled: No
4070500	Line Locates	141.45		101-430-3100-44300	
	Check Total:				
Vendor: PELNAR	Kathi Pelnar	556.10	08/17/2004	Check Sequence: 23	ACH Enabled: No
JULY	Animal Control Services- July 2004	556.10		101-420-2700-43160	
	Check Total:				
Vendor: PETERSO	Peterson Fram & Bergman	1,600.00	08/17/2004	Check Sequence: 24	ACH Enabled: No
11135M		3,447.04	08/17/2004	101-410-1610-43040	
11140M		720.00	08/17/2004	101-410-1610-43045	
11150M		59.00	08/17/2004	803-490-9070-43030	
11161M		5,826.04		101-410-1610-43040	
	Check Total:				
Vendor: POLFUS	Polfus Implement, Inc	58.00	08/17/2004	Check Sequence: 25	ACH Enabled: No
1019093	Set side mower from reverse to std rotat	58.00		101-450-5200-44040	
	Check Total:				
Vendor: Reserve	Pitney Bowes Reserve Account	500.00	08/17/2004	Check Sequence: 26	ACH Enabled: No
20313037	July Statement	500.00		101-410-1320-43220	
	Check Total:				
Vendor: RUD	Diane Prince-Rud	240.00	08/17/2004	Check Sequence: 27	ACH Enabled: No
08/02-08/12	Cleaning City Hall	240.00	08/17/2004	101-410-1940-44010	
08/02-08/12	Cleaning Fire Hall	240.00	08/17/2004	101-420-2220-44010	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	480.00			
Vendor: S&T	S&T Office Products, Inc.				ACH Enabled: No
01JF2490		77.51	08/17/2004	101-410-1320-42000	Check Sequence: 28
01JF5040		517.58	08/17/2004	101-410-1320-42000	
01JF5218		143.09	08/17/2004	101-410-1320-42000	
	Check Total:	738.18			
Vendor: STATEIRE	State Treasurer				ACH Enabled: No
Seminar 09/22	Registration Fee for Karl Horning	35.00	08/17/2004	101-420-2400-44370	Check Sequence: 29
	Check Total:	35.00			
Vendor: STILLGAZ	Stillwater Gazette				ACH Enabled: No
00003684		27.30	08/17/2004	101-410-1320-43510	Check Sequence: 30
00003686		25.20	08/17/2004	101-410-1320-43510	
	Check Total:	52.50			
Vendor: TASCHE	T.A. Schifsky & Sons				ACH Enabled: No
33607	Sand Mix	39.53	08/17/2004	101-430-3100-42240	Check Sequence: 31
	Check Total:	39.53			
Vendor: TKDA	TKDA, Inc.				ACH Enabled: No
20040000298	VFW Ballfield Lights	854.12	08/17/2004	404-480-8000-43030	Check Sequence: 32
20040000299	Whispering Valley Inspection	253.70	08/17/2004	803-490-9070-43030	
20040000300	Grading Inspections	304.44	08/17/2004	101-410-1930-43030	
20040000301		858.69	08/17/2004	101-410-1930-43030	
20040000301		817.42	08/17/2004	101-410-1930-43030	
20040000301		176.22	08/17/2004	601-494-9400-43030	
20040000301		372.05	08/17/2004	603-496-9500-43030	
20040000301		828.69	08/17/2004	803-490-9070-43030	
20040000301		101.48	08/17/2004	602-495-9450-43030	
20040000301		200.00	08/17/2004	101-410-1930-43030	
20040000301		1,821.83	08/17/2004	409-480-8000-43030	
20040000302	Meetings	571.55	08/17/2004	101-410-1910-43030	
20040000303	Hill Trail Overlay	1,481.38	08/17/2004	603-496-9500-43030	
20040000304	Background advice	1,283.42	08/17/2004	602-495-9450-43030	
20040000305	NPDES Phase II Permit	949.79	08/17/2004	409-480-8000-43030	
20040000306	34th Ave Lift Station	234.52	08/17/2004	409-480-8000-43030	
20040000307	2004 Overlays Final Plans	11,109.30	08/17/2004		
20040000308	50th Street Pond Study				
	Check Total:	11,109.30			

Description

Invoice No

ACH Enabled: No

Tri State Bobcat, Inc.
Bobcat Sweeper
Repairs to Bobcat
Check Total:

1,765.77 08/17/2004
288.69 08/17/2004
2,054.46

Check Sequence: 33
410-480-8000-45400
101-430-3100-44040

Twin City Water Clinic, Inc.
July Bacteria Analysis
Check Total:

20.00 08/17/2004
20.00

Check Sequence: 34
601-494-9400-43030

Viking Office Products
Name signs
Check Total:

100.09 08/17/2004
100.09

Check Sequence: 35
101-410-1910-42000

Washington County Surveyor
AutoCAD files covering City of Lake Elmo
Check Total:

106.50 08/17/2004
106.50

Check Sequence: 36
101-410-1910-42000

Washington County
Cert. 35472 & 46572 - Waigren, Feldham
Check Total:

39.00 08/17/2004
39.00

Check Sequence: 37
101-410-1910-44300

Xcel Energy
SOFTBALL FIELD
4259 Jamaica Ave N
Traffic at 194 & Inwood
3800 LAVERNE
Traffic at Stillwater Blvd & Manning
11194 Upper 33rd Street N
PEBBLE PARK
Traffic lights 998 Inwood
3510 Laverne Ave N Tennis Courts
3303 LANGLY CT
8860 HUDSON BLVD
3510 Laverne Ave N FIRE DEPT
2795 Legion Ave N
11062 34th Street
11975 55th Street N
3511 Laverne Ave N
STREET LIGHTS

71.01 08/17/2004
135.10 08/17/2004
21.14 08/17/2004
387.15 08/17/2004
24.20 08/17/2004
32.21 08/17/2004
21.32 08/17/2004
30.83 08/17/2004
7.41 08/17/2004
731.97 08/17/2004
45.89 08/17/2004
140.99 08/17/2004
11.95 08/17/2004
12.32 08/17/2004
697.22 08/17/2004
28.65 08/17/2004
1,566.65 08/17/2004

Check Sequence: 38
101-450-5200-43810
101-430-3100-43810
101-430-3160-43810
101-410-1940-43810
101-430-3160-43810
101-450-5200-43810
101-450-5200-43810
101-430-3160-43810
101-450-5200-43810
601-494-9400-43810
602-495-9450-43810
101-420-2220-43810
602-495-9450-43810
602-495-9450-43810
601-494-9400-43810
101-450-5200-43810
101-430-3160-43810

ACH Enabled: No

Description

Invoice No

3,966.01

Check Total:

41,792.40
38

Total for Check Run:
Total Number of Checks:

CITY OF LAKE ELMO
200⁴ BILLING SUMMARY

ONTH	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	\$1,600.00	\$3,447.04		\$720.00		\$59.00	\$5,826.04
Aug							\$0.00
Sept							\$0.00
Oct							\$0.00
Nov							\$0.00
Dec							\$0.00
Totals	\$13,760.62	\$26,149.25	\$253.66	\$1,975.82	\$3,669.22	\$359.50	\$46,168.07

8/10/2004

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

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

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

ACCOUNT NO: 11135M
Page: 1
07/31/2004

	FEES	EXPENSES	ADVANCES	BALANCE
11135-030008 SIMICH FENCE	93.00	0.00	0.00	\$93.00
11135-040005 CARRIAGE STATION DRAINAGE EASEMENT ENCROACHMENT	66.00	0.00	0.00	\$66.00
11135-920001 Administration	1,441.00	0.00	0.00	\$1,441.00
	<u>1,600.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$1,600.00</u>

101-410-1610-43040

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

Page: 1
07/31/2004
ACCOUNT NO: 1.1135-030008M
STATEMENT NO: 7

SIMICH FENCE

	HOURS	
07/22/04 JPF Telephone conference with adm and Simich; rev settlement agreement re: extension of fence to N.W. corner.	0.40	38.00
07/26/04 JPF Telephone conference with adm re: Simich agreement.	0.30	33.00
07/30/04 JPF Revise Family Entertainment corr.	0.20	22.00
Jerome P. Filla	0.90	93.00
FOR CURRENT SERVICES RENDERED	0.90	93.00
TOTAL CURRENT WORK		93.00
BALANCE DUE		<u>\$93.00</u>

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

Page: 1
07/31/2004
ACCOUNT NO: 11135-040005M
STATEMENT NO: 3

CARRIAGE STATION DRAINAGE EASEMENT ENCROACHMENT

	HOURS	
07/02/04 JPF Review right of entry agreements; tele Prew and Rafferty.	0.60	66.00
Jerome P. Filla	0.60	66.00
FOR CURRENT SERVICES RENDERED	0.60	66.00
TOTAL CURRENT WORK		66.00
BALANCE DUE		<u>66.00</u>

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

Page: 1
07/31/2004
ACCOUNT NO: 11135-920001M
STATEMENT NO: 151

Administration

	HOURS	
07/01/04 JPF Review ordinance establishing Fire Dept and Dept Bylaws for City Code - Bylaw revisions.	0.60	66.00
07/02/04 JPF Telephone conference with Prew, Rafferty re: Heritage Farms water.	0.30	33.00
07/06/04 JPF Review council agenda; tele planner.	0.50	55.00
JPF Review planner corr re: fencing/screening; rev code.	0.40	44.00
JPF Prepare for and attend council meeting.	3.40	374.00
07/12/04 JPF Review PC agenda.	0.40	44.00
JPF Telephone conference with planner re: fence, screening regs.	0.30	33.00
07/15/04 JPF Telephone conference with Adm re: Smich; planner re: fence regs; clerk re: data practices; rev Sessing memo.	0.60	66.00
07/16/04 JPF Telephone conference with planner re: council agenda items; review agenda.	0.90	99.00
JPF Telephone conference with Dillerud, S. Dolan, R.E. - Tom Kendal re: GB-LB & proposed regs; rev code.	1.10	121.00
07/26/04 JPF Telephone conference with planner re: proposed family entertainment regs.	0.20	22.00
07/30/04 JPF Review Walter variance application:	0.30	33.00
Jerome P. Filla	9.00	990.00
07/16/04 JMM Review agenda and prepare for meeting.	0.60	66.00
07/20/04 JMM Telephone call to staff & prepare for meeting; review agenda.	0.50	55.00
JMM Attend city council meeting & related matters.	3.00	330.00

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CITY OF LAKE ELMO

Page: 2
07/31/2004
ACCOUNT NO: 11135-920001M
STATEMENT NO: 151

Administration

John Michael Miller

4.10 451.00

FOR CURRENT SERVICES RENDERED

13.10 1,441.00

TOTAL CURRENT WORK

1,441.00

BALANCE DUE

\$1,441.00

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

ACCOUNT NO:

Page: 1
07/31/2004
11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	2,329.00	27.82	0.00	\$2,356.82
11140-030170 Kuehn, James	420.00	0.00	0.00	\$420.00
11140-030225 Wetterstrom, William serious/fatal crash report	35.00	0.00	0.00	\$35.00
11140-040008 Tamasese, Joseph violate OFF	5.00	0.00	0.00	\$5.00
11140-040016 Petersen, Kerry Alan DAC-IPS	30.00	0.00	0.00	\$30.00
11140-040046 Hahne, Jamew Newton GM-false info to police	5.00	0.00	0.00	\$5.00
11140-040105 Rychlik, Waclaw Andrew 2nd degree DUI	66.50	0.00	0.00	\$66.50
11140-040113 Jarosch, Katherine Lillian OFF Violation	30.00	0.00	0.00	\$30.00
11140-040118 Weinand, Mark Allen school bus arm violation	30.00	0.00	0.00	\$30.00

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CITY OF LAKE ELMO

ACCOUNT NO:

Page: 2
07/31/2004
11140M

	FEES	EXPENSES	ADVANCES	BALANCE
11140-040129 Romero, Roman Joseph DAR, speed	55.00	0.00	0.00	\$55.00
11140-040136 Ramirez, Alicia Dawn assault	57.50	1.61	0.00	\$59.11
11140-040157 Wright, Donald W. DUI, crim. damage to property	30.00	0.00	0.00	\$30.00
11140-040166 Malmgren, Nathan A. GM no insurance, DAR, mj in mv, possess drug para	10.00	0.00	0.00	\$10.00
11140-040167 Langevin, Joseph Louis reckless discharge of weapon	80.00	0.00	0.00	\$80.00
11140-040168 Speckerman, Gregory Fred GM-DAC-IPS	10.00	0.00	0.00	\$10.00
11140-040171 Newman, Matthew Westle speed 67/55, marijuana in mv, possess drug paraphenilia	15.00	0.00	0.00	\$15.00
11140-040172 Liebgott, Jasen Michael GM-911 violation, domestic assault assault, doc	77.50	0.00	0.00	\$77.50
11140-040173 Neadeau, Tara Lynn 2nd degree DUI, open bottle	120.50	1.61	0.00	\$122.11

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CITY OF LAKE ELMO

ACCOUNT NO:

Page: 3
07/31/2004
11140M

	FEEs	EXPENSES	ADVANCES	BALANCE
11140-040176 Benoy, Monty fail to display current registratio	5.00	0.00	0.00	\$5.00
11140-040183 Oman, Joseph Ray no insurance, fail to register MV	5.00	0.00	0.00	\$5.00
	<u>3,416.00</u>	<u>31.04</u>	<u>0.00</u>	<u>\$3,447.04</u>

101-410-1610-43045

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

Page: 1
07/31/2004
ACCOUNT NO: 11150M

	FEEES	EXPENSES	ADVANCES	BALANCE
11150-000003 RECO Property Permits	242.00	0.00	0.00	\$242.00
11150-030002 SORENSON/BALD EAGLE O.P. DEVELOPMENT	93.00	0.00	0.00	\$93.00
11150-030010 SOVEREIGN ESTATE MINOR SUBDIVISION	33.00	0.00	0.00	\$33.00
11150-040004 WHISTLING VALLEY SECOND ADDITION	165.00	0.00	0.00	\$165.00
11150-040005 LAKEWOOD EVANGELICAL FREE CHURCH - REZONING - SUP	44.00	0.00	0.00	\$44.00
11150-040007 TAPESTRY O.P. DEVELOPMENT	143.00	0.00	0.00	\$143.00
	<u>720.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$720.00</u>

803-490-9070-43030

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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
07/31/2004
ACCOUNT NO: 11150-000003M
STATEMENT NO: 22

RECO Property Permits

	HOURS	
07/06/04 JPF Letter to planner re: RECO plat; city regs; time lines; impact of MS15.99; rev regs and 15.99; draft corr.	1.10	121.00
07/07/04 JPF Telephone conference with planner re: RECO; final plat status; revise corr.	0.50	55.00
07/13/04 JPF Letter to Atty Dietzen re: status.	0.30	33.00
07/30/04 JPF Telephone conference with Atty Dietzen re: legal status.	0.30	33.00
	<u>2.20</u>	<u>242.00</u>
Jerome P. Filla		
FOR CURRENT SERVICES RENDERED	2.20	242.00
TOTAL CURRENT WORK		242.00
BALANCE DUE		<u><u>\$242.00</u></u>

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Page: 1
07/31/2004
ACCOUNT NO: 11150-030002M
STATEMENT NO: 7

SORENSEN/BALD EAGLE O.P. DEVELOPMENT

	HOURS	
07/30/04 JPF Telephone conference with Ann Theis, planner re: consv esmt, Dev K.	0.50	55.00
JPF Revise dev agreement; tele planner.	0.40	38.00
	<u>0.90</u>	<u>93.00</u>
Jerome P. Filla		
	<u>0.90</u>	<u>93.00</u>
FOR CURRENT SERVICES RENDERED		93.00
TOTAL CURRENT WORK		
		<u>\$93.00</u>
BALANCE DUE		

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Page: 1
07/31/2004
ACCOUNT NO: 11150-030010M
STATEMENT NO: 5

SOVEREIGN ESTATE MINOR SUBDIVISION

	HOURS	
07/26/04 JPF Telephone conference with clerk re; revisions to esmt, minor subd revisions.	0.30	33.00
Jerome P. Filla	0.30	33.00
FOR CURRENT SERVICES RENDERED	0.30	33.00
TOTAL CURRENT WORK		33.00
BALANCE DUE		<u>33.00</u>

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CITY OF LAKE ELMO
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Page: 1
07/31/2004
ACCOUNT NO: 11150-040004M
STATEMENT NO: 6

WHISTLING VALLEY SECOND ADDITION

	HOURS	
07/08/04 JPF Review Dev K; conserv esmt re: inclusion of Phase 1 & 2; tele planner.	0.40	44.00
07/23/04 JPF Revise Dev K; rev cons. esmt.	0.50	55.00
07/28/04 JPF Revise Dev K, 2d add; tele Atty Thies re: conserv, esmts 1st & 2d addition.	0.60	66.00
Jerome P. Filla	1.50	165.00
FOR CURRENT SERVICES RENDERED	1.50	165.00
TOTAL CURRENT WORK		165.00
BALANCE DUE		<u>\$165.00</u>

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CITY OF LAKE ELMO
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Page: 1
07/31/2004
ACCOUNT NO: 11150-040005M
STATEMENT NO: 2

LAKWOOD EVANGELICAL FREE CHURCH - REZONING - SUP

	HOURS	
07/06/04 JPF Telephone conference with Atty Beck; staff repts; applicable law.	0.40	44.00
Jerome P. Filla	0.40	44.00
FOR CURRENT SERVICES RENDERED	0.40	44.00
TOTAL CURRENT WORK		44.00
BALANCE DUE		<u>44.00</u>

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CITY OF LAKE ELMO
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Page: 1
07/31/2004
ACCOUNT NO: 11150-040007M
STATEMENT NO: 1

TAPESTRY O.P. DEVELOPMENT

	HOURS	
07/02/04 JPF Review development application, OP regs; title commitment and supp docs; tele - corr to planner.	1.30	143.00
Jerome P. Filla	1.30	143.00
FOR CURRENT SERVICES RENDERED	1.30	143.00
TOTAL CURRENT WORK		143.00
BALANCE DUE		<u>\$143.00</u>

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ACCOUNT NO:

Page: 1
07/31/2004
11161M

	FEEES	EXPENSES	ADVANCES	BALANCE
11161-040002 Rychlik, Waclaw Andrew vehicle forfeiture	54.00	0.00	0.00	\$54.00
11161-040003 Nadeau, Tara Lynn vehicle forfeiture- 1990 Chev. Corsica	5.00	0.00	0.00	\$5.00
	<u>59.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$59.00</u>

101-410-1610-43040

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Page: 1
07/31/2004
ACCOUNT NO: 11161-040002M
STATEMENT NO: 4

Rychlik, Waclaw Andrew
vehicle forfeiture

07/13/04 JPF Letter to HP re: case law and release of car.

Jerome P. Filla

FOR CURRENT SERVICES RENDERED

TOTAL CURRENT WORK

BALANCE DUE

HOURS	
0.40	54.00
0.40	54.00
0.40	54.00
	54.00
	<u>54.00</u>

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Page: 1
07/31/2004
ACCOUNT NO: 11161-040003M
STATEMENT NO: 1

Nadeau, Tara Lynn
vehicle forfeiture- 1990 Chev.
Corsica

	HOURS	
07/28/04 CLE Request motor vehicle registration and insurance.	0.10	5.00
Connie L. Egge	0.10	5.00
FOR CURRENT SERVICES RENDERED	0.10	5.00
TOTAL CURRENT WORK		5.00
BALANCE DUE		<u>\$5.00</u>

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<p>Lake Elmo City Council August 17, 2004</p>	<p>Agenda Section: CONSENT AGENDA</p>	<p><u>No 4B.</u></p>
<p><u>Agenda Item:</u> November 2nd City Council Meeting</p>		
<p><u>Background Information for August 17, 2004:</u> The regularly scheduled November 2, 2004 City Council meeting will be rescheduled to November 3, 2004 at 7:00 p.m. in the Council Chambers. The Council will be canvassing the results of the General Election.</p>		
<p><u>Action Items:</u> Motion to reschedule the November 2, 2004 City Council meeting to Wednesday, November 3, 2004 because of the General Election held on that date.</p>	<p><u>Person responsible:</u> S. Lumby</p>	

4c.

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

**RESOLUTION NO. 2004-072
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Number 26060 payable to the City of Oakdale dated August 17, 2004 in the total amount of \$12,871.48 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 17th day of August, 2004.

Lee Hunt
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

As of 8/17/2004 (Periods 1-8)		Budget	Per Range Amt	Variance	Comments
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	\$14,758.75	-\$10,758.75		
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	\$27,385.14	\$590.86		
Administration					
Full-time Salaries	\$124,020.00	\$63,952.94	\$60,067.06		
PERA Contributions	\$6,858.00	\$2,676.91	\$4,181.09		
FICA Contributions	\$7,689.00	\$3,985.92	\$3,703.08		
Medicare Contributions	\$1,798.00	\$932.19	\$865.81		
Health/Dental Insurance	\$21,834.00	\$8,770.45	\$13,063.55		
Workers Compensation	\$1,688.00	\$0.00	\$1,688.00		
Office Supplies	\$7,000.00	\$4,030.54	\$2,969.46		
Printed Forms	\$800.00	\$188.29	\$611.71		
Newsletter/Website	\$14,000.00	\$3,412.56	\$10,587.44		
Postage	\$9,500.00	\$5,399.54	\$4,100.46		
Travel Expense	\$1,500.00	\$336.00	\$1,164.00		
Legal Publishing	\$6,000.00	\$2,036.18	\$3,963.82		
Insurance	\$27,360.00	\$29,581.00	-\$2,221.00	Annual Premiums Paid	
Miscellaneous	\$6,000.00	\$3,343.47	\$2,656.53		
Dues & Subscriptions	\$1,500.00	\$1,834.66	-\$334.66		
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	\$130,500.65	\$180,546.35		
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		

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Description	Budget	Per Range Amt.	Variance	Comments
Finance				
Full-time Salaries	\$41,432.00	\$14,503.06	\$26,928.94	
PERA Contributions	\$2,569.00	\$730.76	\$1,838.24	
FICA Contributions	\$2,291.00	\$900.56	\$1,390.44	
Medicare Contributions	\$601.00	\$210.67	\$390.33	
Health/Dental Insurance	\$7,318.00	\$1,557.22	\$5,760.78	
Office Supplies	\$800.00	\$0.00	\$800.00	
Printed Forms	\$1,000.00	\$28.12	\$971.88	
Software Support	\$4,000.00	\$2,194.36	\$1,805.64	
Hardware Support	\$2,000.00	\$1,557.50	\$442.50	
Software Programs	\$3,000.00	\$950.00	\$2,050.00	
Travel Expense	\$1,000.00	\$22.00	\$978.00	
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	\$22,914.95	\$44,496.05	
Accounting Services	\$24,000.00	\$18,856.29	\$5,143.71	
Assessing Services	\$35,000.00	\$11,900.00	\$23,100.00	
Legal Services	\$15,000.00	\$17,680.84	-\$2,680.84	
Civil Attorney Criminal	\$45,000.00	\$26,449.75	\$18,550.25	
Sub-Total	\$60,000.00	\$44,130.59	\$15,869.41	
Planning & Zoning				
Full-time Salaries	\$75,586.00	\$42,758.75	\$32,827.25	
PERA Contributions	\$4,180.00	\$3,466.47	\$713.53	
FICA Contributions	\$4,686.00	\$2,668.13	\$2,017.87	
Medicare Contributions	\$1,096.00	\$623.93	\$472.07	
Health/Dental Insurance	\$11,686.00	\$5,865.42	\$5,820.58	
Workers Compensation	\$847.00	\$0.00	\$847.00	
Office Supplies	\$500.00	\$243.34	\$256.66	
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	\$10,035.00	-\$35.00	
Comprehensive Planning	\$10,000.00	\$0.00	\$10,000.00	
Engineering Services	\$2,500.00	\$9,299.23	-\$6,799.23	
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	\$673.75	\$1,326.25	
Miscellaneous	\$200.00	\$89.00	\$111.00	
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	\$123,000.39	\$78,128.61	

Description	Budget	Per Range Amt	Variance	Comments
Engineering Services	\$26,000.00	\$11,598.49	\$14,401.51	
Gov't Buildings				
Cleaning Supplies	\$500.00	\$63.21	\$436.79	
Building Repair Supplies	\$500.00	\$134.75	\$365.25	
Attorney Fees	\$100,000.00	\$87,222.56	\$12,777.44	
Telephone	\$6,500.00	\$2,394.13	\$4,105.87	
Electric Utility	\$5,000.00	\$3,085.40	\$1,914.60	
Refuse	\$2,040.00	\$705.13	\$1,334.87	
Repairs/Maint Contractual Bldg	\$8,000.00	\$6,554.78	\$1,445.22	
Repairs/Maint Contractual Eqpt	\$6,000.00	\$3,648.12	\$2,351.88	
Miscellaneous	\$400.00	\$366.73	\$33.27	
Sub-Total	\$128,940.00	\$104,174.81	\$24,765.19	
Law Enforcement Contract	\$322,000.00	\$318,717.56	\$3,282.44	
Transfer Out	\$15,000.00	\$0.00	\$15,000.00	
Sub-Total	\$337,000.00	\$318,717.56	\$18,282.44	
Fire				
Full-time Salaries	\$17,434.00	\$6,808.23	\$10,625.77	
Part-time Salaries	\$93,850.00	\$70,153.52	\$23,696.48	
PERA Contributions	\$964.00	\$367.30	\$596.70	
FICA Contributions	\$5,583.00	\$4,772.40	\$810.60	
Medicare Contributions	\$1,306.00	\$1,116.18	\$189.82	
Health/Dental Insurance	\$3,127.00	\$843.87	\$2,283.13	
Workers Compensation	\$2,469.00	\$0.00	\$2,469.00	
Office Supplies	\$1,500.00	\$463.77	\$1,036.23	
Printed Forms	\$750.00	\$35.36	\$714.64	
EMS Supplies	\$2,000.00	\$0.00	\$2,000.00	
Fire Prevention	\$4,000.00	\$0.00	\$4,000.00	
Fuel	\$4,500.00	\$1,401.25	\$3,098.75	
Equipment Parts	\$0.00	\$348.00	-\$348.00	
Building Repair Supplies	\$1,000.00	\$220.92	\$779.08	
Small Tools & Equipment	\$1,200.00	\$1,010.13	\$189.87	
Physicals	\$2,000.00	\$2,520.00	-\$520.00	
Telephone	\$4,600.00	\$1,994.43	\$2,605.57	
Radio	\$7,500.00	\$97.40	\$7,402.60	
Travel Expense	\$2,000.00	\$1,161.85	\$838.15	
Vehicle Insurance	\$11,792.00	\$12,908.00	-\$1,116.00	Annual Premiums Paid
Electric Utility	\$4,400.00	\$2,881.81	\$1,518.19	
Repairs/Maint Contractual Bldg	\$7,000.00	\$4,075.00	\$2,925.00	
Repairs/Maint Contractual Eqpt	\$23,000.00	\$6,490.67	\$16,509.33	
Rentals - Building	\$1,080.00	\$720.00	\$360.00	

Description	Budget	Per Range Amt	Variance	Comments
Uniforms	\$9,500.00	\$2,158.19	\$7,341.81	
Miscellaneous	\$1,300.00	\$4,080.03	-\$2,780.03	Laptop Software Implementation-To be reimbursed by County \$2560.00
Dues & Subscriptions	\$2,300.00	\$2,745.45	-\$445.45	
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	\$135,570.65	\$231,784.35	
Building Inspections				
Full-time Salaries	\$113,365.00	\$67,993.75	\$45,371.25	
PERA Contributions	\$6,292.00	\$3,276.81	\$3,015.19	
FICA Contributions	\$7,029.00	\$4,226.26	\$2,802.74	
Medicare Contributions	\$1,644.00	\$988.39	\$655.61	
Health/Dental Insurance	\$23,588.00	\$9,756.30	\$13,831.70	
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	\$773.12	-\$773.12	Cell Phone Expense
Travel Expense	\$1,000.00	\$155.00	\$845.00	
Insurance	\$877.00	\$872.00	\$5.00	
Repairs/Maint Contractual Eqpt	\$500.00	\$1,601.77	-\$1,101.77	Repairs to Bldg Vehicles - 637.00 Miscode belongs in Fire
Rentals - Building	\$4,000.00	\$2,556.00	\$1,444.00	
Uniforms	\$600.00	\$156.93	\$443.07	
Miscellaneous	\$200.00	\$208.41	-\$8.41	
Dues & Subscriptions	\$300.00	\$741.47	-\$441.47	
Books	\$300.00	\$0.00	\$300.00	
Conferences & Training	\$2,500.00	\$310.00	\$2,190.00	
Transfer Out	\$5,000.00	\$0.00	\$5,000.00	
Sub-Total	\$194,811.00	\$95,155.65	\$99,655.35	
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	\$4,180.30	\$1,819.70	
Miscellaneous	\$400.00	\$0.00	\$400.00	
Sub-Total	\$12,500.00	\$8,580.84	\$3,919.16	

Description	Budget	Fed Range Amt	Variance	Comments
Public Works				
Full-time Salaries	\$106,087.00	\$57,948.23	\$48,138.77	
Part-time Salaries	\$0.00	\$900.00	-\$900.00	Salary Split between Part-Time Parks
PERA Contributions	\$5,867.00	\$2,855.59	\$3,011.41	
FICA Contributions	\$6,577.00	\$3,649.51	\$2,927.49	
Medicare Contributions	\$1,538.00	\$853.53	\$684.47	
Health/Dental Insurance	\$24,607.00	\$8,343.99	\$16,263.01	
Workers Compensation	\$3,773.00	\$0.00	\$3,773.00	
Office Supplies	\$300.00	\$28.11	\$271.89	
Fuel	\$8,500.00	\$8,392.79	\$107.21	
Shop Materials	\$2,500.00	\$944.12	\$1,555.88	
Equipment Parts	\$10,000.00	\$2,229.96	\$7,770.04	
Building Repair Supplies	\$1,000.00	\$655.68	\$344.32	
Street Maintenance Materials	\$22,500.00	\$690.07	\$21,809.93	
Landscaping Materials	\$2,500.00	\$359.34	\$2,140.66	
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	\$566.49	\$933.51	
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	\$1,399.24	\$2,350.76	
Radio	\$200.00	\$0.00	\$200.00	
Travel Expense	\$500.00	\$15.00	\$485.00	
Insurance	\$11,265.00	\$13,603.00	-\$2,338.00	Annual Premiums Paid
Electric Utility	\$6,500.00	\$4,058.39	\$2,441.61	
Refuse	\$250.00	\$731.23	-\$481.23	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	\$2,460.17	-\$960.17	
Repairs/Maint Contractual Eqpt	\$4,500.00	\$3,913.49	\$586.51	
Rentals - Buildings	\$1,500.00	\$0.00	\$1,500.00	
Uniforms	\$900.00	\$761.35	\$138.65	
Miscellaneous	\$2,000.00	\$1,505.11	\$494.89	
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	
Other Equipment	\$12,250.00	\$21.25	\$12,228.75	
Transfer Out	\$78,693.00	\$0.00	\$78,693.00	
Sub-Total	\$382,057.00	\$161,383.27	\$220,673.73	
Street Lighting	\$16,800.00	\$10,008.22	\$6,791.78	
Sanitation				
Recycling Supplies	\$6,000.00	\$0.00	\$6,000.00	
Newsletter	\$5,000.00	\$0.00	\$5,000.00	
Miscellaneous	\$7,100.00	\$1,128.00	\$5,972.00	
Sub-Total	\$18,100.00	\$1,128.00	\$16,972.00	

Description	Budget	Change Amt	Variance	Comments
Parks				
Full-time Salaries	\$58,215.00	\$29,733.18	\$28,481.82	
Part-time Salaries	\$23,550.00	\$14,360.94	\$9,189.06	
PERA Contributions	\$3,219.00	\$1,739.94	\$1,479.06	
FICA Contributions	\$5,069.00	\$2,737.04	\$2,331.96	
Medicare Contributions	\$1,186.00	\$640.17	\$545.83	
Health/Dental Insurance	\$9,916.00	\$3,051.51	\$6,864.49	
Workers Compensation	\$2,819.00	\$0.00	\$2,819.00	
Office Supplies	\$250.00	\$0.00	\$250.00	
Fuel	\$2,200.00	\$305.31	\$1,894.69	
Shop Materials	\$1,000.00	\$105.96	\$894.04	
Chemicals	\$500.00	\$0.00	\$500.00	
Equipment Parts	\$4,000.00	\$607.40	\$3,392.60	
Building Repair Supplies	\$1,000.00	\$168.48	\$831.52	
Landscaping Materials	\$10,000.00	\$2,472.58	\$7,527.42	
Small Tools & Minor Equipment	\$1,000.00	\$45.49	\$954.51	
Telephone	\$1,500.00	\$754.06	\$745.94	
Travel Expense	\$0.00	\$50.00	-\$50.00	
Insurance	\$2,900.00	\$3,084.00	-\$184.00	Annual Premiums Paid
Electric Utility	\$6,050.00	\$3,306.48	\$2,743.52	
Refuse	\$2,400.00	\$1,287.72	\$1,112.28	
Repairs/Maint Contractual Bldg	\$2,000.00	\$1,060.93	\$939.07	
Repairs/Maint Imp Not Bldgs	\$5,000.00	\$348.79	\$4,651.21	
Repairs/Maint Contractual Eqpt	\$1,000.00	\$64.38	\$935.62	
Rentals - Buildings	\$2,500.00	\$2,810.41	-\$310.41	
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	\$68,965.14	\$95,808.86	
General Fund Total	2,392,150	1,294,502	1,097,648	

	Original Amt	Variance	Comments
Storm Water Enterprise Operating			
Full-time Salaries			
PERA Contributions	\$24,751.00	\$0.00	\$24,751.00
FICA Contributions	\$1,369.00	\$0.00	\$1,369.00
Medicare Contributions	\$1,535.00	\$0.00	\$1,535.00
Health/Dental Insurance	\$359.00	\$0.00	\$359.00
Workers' Compensation	\$4,771.00	\$0.00	\$4,771.00
Office Supplies	\$340.00	\$0.00	\$340.00
Utility System Maint Supplies	\$500.00	\$0.00	\$500.00
Small Tools & Minor Equipment	\$2,162.00	\$0.00	\$2,162.00
Engineering Services	\$1,000.00	\$0.00	\$1,000.00
Erosion Control	\$4,500.00	\$11,019.43	Initial Set-up Expense
Software Support	\$2,100.00	\$0.00	\$2,100.00
Postage	\$1,000.00	\$4,050.00	Initial Set-up Expense
Contract Services	\$1,576.00	\$515.00	\$1,061.00
Repairs/Maint Not Bldg	\$2,000.00	\$0.00	\$2,000.00
Miscellaneous Expenses	\$2,000.00	\$0.00	\$2,000.00
Transfer Out	\$0.00	\$348.26	-\$348.26
	\$30,315.00	\$0.00	\$30,315.00
Subtotal	\$80,278.00	\$15,932.69	\$64,345.31
Total Enterprise Fund	\$276,633.00	\$152,918.18	\$123,714.82
Grand Total	2,668,783	1,447,420	1,221,363

7A.

Summary Building Report

July-2004		
	Permits Issued	Valuation
New Residential	3	\$1,809,500.00
New Commercial	2	\$400,000.00
Other Residential	38	\$545,031.00
Other Commercial	2	\$120,000.00
Total	45	\$2,874,531.00

Year to Date		
	Permits Issued	Valuation
New Residential	10	5,906,468.00
New Commercial	6	1,400,000.00
Other Residential	196	2,382,919.00
Other Commercial	19	864,783.00
Total	231	\$10,554,170.00

Total Building Fees Collected **\$33,093.19**

Total Building Fees Collected **\$134,579.94**

Summary Plumbing Report

Plumbing	11	\$120,900.00
Total Plumbing Fees Collected		\$855.00

Summary Plumbing Report		
	Permits Issued	Valuation
Plumbing	66	\$587,654.00
Total Plumbing Fees Collected		\$4,933.75

Summary HVAC Report

HVAC	10	\$60,600.00
Total HVAC Fees Collected		\$805.00

Summary HVAC Report		
	Permits Issued	Valuation
HVAC	69	\$335,758.00
Total HVAC Fees Collected		\$4,887.75

Summary Grand Total Fees

Surcharge Fee Paid to State	\$1,433.48
SAC Fees Paid to Met Council	\$0.00
WAC Fees Paid to Oakdale	\$0.00
Misc. Expenses	\$0.00
Total Fees Retained	\$33,319.71

Summary Grand Total Fees	\$144,401.44
Surcharge Fee Paid to State	\$5,236.18
SAC Fees Paid to Met Council	\$0.00
WAC Fees Paid to Oakdale	\$0.00
Misc. Expenses	\$0.00
Total Fees Retained	\$139,165.26

Credit Fees to Bldg \$33,169.21
 Credit Fees to Water \$0.00
 Credit Fees to Sewer \$150.50

Credit Fees to Bldg \$138,389.76
 Credit Fees to Water \$400.00
 Credit Fees to Sewer \$375.50

Building Permit Detail Summary

July 01, 2004 Through July 31, 2004

Occupancy		B				Valuation
Class Of Work: Remodel						
Permit #	Description of Work	Date Issued	Use of Building	Valuation		
4168	interior buildout	7/15/2004	Office Building	60,000		
4167	interior buildout	7/15/2004	Office Building	60,000		
				Sum of Valuation =	120,000	
Totals for Class Of Work:		Remodel	Number of Permits = 2			
Class Of Work: New						
Permit #	Description of Work	Date Issued	Use of Building	Valuation		
4175	Commercial	7/20/2004	Office Building	200,000		
4174	Commercial	7/20/2004	Office Building	400,000		
				Sum of Valuation =	520,000	
Totals for Class Of Work:		New	Number of Permits = 2			
Totals for Occupancy:		B	Number of Permits = 4			
Occupancy		U-1				

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4156	deck/ porch	7/9/2004	Single Family Dwelling	17,275
4186	addition & remodel	7/26/2004	Single Family Dwelling	15,000
4184	accessory structure	7/26/2004	Accessory Building	3,000
4183	Garage	7/22/2004	Accessory Building	13,830
Sum of Valuation =				49,105

Totals for Class Of Work: Add Number of Permits = 4 Sum of Valuation = 49,105

Totals for Occupancy: U-1 Number of Permits = 4

Occupancy R-3

Class Of Work:	Description of Work	Date Issued	Use of Building	Valuation
Permit #				
4188	demolition	7/27/2004	Mobile Home	1,000
Sum of Valuation =				1,000
Totals for Class Of Work:				Number of Permits = 1

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation	
4164	deck/ porch	7/14/2004	Single Family Dwelling	9,000	
4169	swimming pool	7/15/2004	Single Family Dwelling	20,000	
4155	Deck	7/9/2004	Single Family Dwelling	3,000	
4191	Siding & Window Replacement	7/28/2004	Single Family Dwelling	8,500	
4154	swimming pool	7/8/2004	Single Family Dwelling	20,000	
4153	Deck	7/8/2004	Single Family Dwelling	2,500	
4152	Deck	7/7/2004	Single Family Dwelling	2,600	
4150	driveway	7/7/2004	Single Family Dwelling	8,990	
4163	addition & remodel	7/14/2004	Single Family Dwelling	22,750	
4176	Deck	7/21/2004	Single Family Dwelling	6,600	
4179	Porch and bathroom	7/21/2004	Single Family Dwelling	28,800	
4180	Fireplace	7/21/2004	Single Family Dwelling	2,300	
4181	Deck	7/22/2004	Single Family Dwelling	1,500	
4182	heating	7/22/2004	Single Family Dwelling	2,700	
4189	accessory structure	7/27/2004	Accessory Building	10,000	
4190	swimming pool	7/28/2004	swimming pool	3,900	
Totals for Class Of Work: Add				Sum of Valuation =	153,140
				Number of Permits =	16

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4192	Basement finish (includes plng&htg)	7/30/2004	Single Family Dwelling	22,000
4145	Excavation & Grading	7/2/2004	Single Family Dwelling	5,000
4148	Deck	7/6/2004	Single Family Dwelling	3,000
4143	Remodel (including plng&htg)	7/4/2004	Single Family Dwelling	30,000
4178	Remodel	7/21/2004	Single Family Dwelling	11,500
4173	window replacement	7/20/2004	Single Family Dwelling	2,386
4166	window replacement	7/15/2004	Single Family Dwelling	5,000
4193	Siding	7/30/2004	Single Family Dwelling	12,000
4165	window replacement	7/5/2004	Single Family Dwelling	10,000
4170	addition & remodel	7/16/2004	Single Family Dwelling	150,000
Totals for Class Of Work: Remodel				Sum of Valuation = 250,886

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4157	New House	7/12/2004	Single Family Dwelling	1,300,000
4177	New House	7/21/2004	Single Family Dwelling	278,000
4161	New House	7/14/2004	Single Family Dwelling	231,500
Totals for Class Of Work: New				Sum of Valuation = 1,809,500

Class Of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4147	Roof Replacement (ice & water)	7/6/2004	Single Family Dwelling	1,000
4146	stucco	7/6/2004	Single Family Dwelling	80,000
Sum of Valuation =				81,000

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

Class Of Work: Demolition

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4162	demolition	7/14/2004	Single Family Dwelling	2,100
4158	demolition	7/14/2004	Single Family Dwelling	2,100
4159	demolition	7/14/2004	Mobile Home	1,500
4172	demolition	7/16/2004	Mobile Home	2,100
4160	demolition	7/14/2004	Mobile Home	9,900
Sum of Valuation =				2,305,426

Totals for Class Of Work: Demolition Number of Permits = 5

Totals for Occupancy: R-3 Number of Permits = 37

Grand Total for All Permits Issued: Number of Permits 45 Total Valuation = 2,874,531

Building Permit Detail Summary

Occupancy R-3

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4177	New House	7/21/2004	Single Family Dwelling	278,000
4161	New House	7/14/2004	Single Family Dwelling	231,500
4157	New House	7/12/2004	Single Family Dwelling	1,300,000
Totals for Class Of Work: New				Sum of Valuation = 1,809,500
Totals for Occupancy: R-3				Number of Permits = 3

Grand Total for All Permits Issued:

Number of Permits 3

Total Valuation = 1,809,500

**City of Lake Elmo
Building Department**

Plumbing Permit Detail Summary

July 01, 2004 Through July 31, 2004

Permit #	Description of Work	Date Issued	Valuation
4144	alter septic	7/1/2004	7,500
4149	water heater install	7/6/2004	400
4157	new resd plmg & sewer/septic	7/12/2004	35,000
4170	alter resd plmg	7/16/2004	10,000
4174	New Commercial	7/20/2004	10,000
4175	New Commercial	7/20/2004	10,000
4177	new plumbing	7/21/2004	25,000
4178	alter resd plmg	7/21/2004	5,000
4179	alter resd plmg	7/21/2004	6,000
4186	alter resd plmg	7/26/2004	10,000
4187	lawn sprinkler	7/26/2004	2,000

Number of Permits 11

Total Valuation = 120,900

**City of Lake Elmo
Building Department**

HVAC Permit Detail Summary

July 01, 2004 Through July 31, 2004

Permit #	Description of Work	Date Issued	Valuation
4151	Gasline	7/7/2004	200
4157	HVAC-residential	7/12/2004	18,000
4170	alter resd hvac	7/16/2004	3,000
4171	air conditioning	7/16/2004	2,100
4174	New Commercial	7/20/2004	8,000
4175	New Commercial	7/20/2004	8,000
4177	HVAC-residential	7/21/2004	14,000
4179	alter resd hvac	7/21/2004	1,200
4185	air conditioning	7/26/2004	3,100
4186		7/26/2004	3,000

Number of Permits 10

Total Valuation = 60,600

City of Lake Elmo
Building Department

Building Permit Fees

July 01, 2004 Through July 31, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigations	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
7/1/2004	4143	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/2/2004	4145	\$0.00	\$0.00	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/8/2004	4146	\$853.75	\$40.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/8/2004	4147	\$38.75	\$0.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/6/2004	4148	\$83.25	\$1.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/6/2004	4150	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/7/2004	4152	\$83.25	\$1.30	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/8/2004	4153	\$83.25	\$1.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/8/2004	4154	\$321.25	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/9/2004	4155	\$83.25	\$1.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/9/2004	4156	\$293.25	\$8.64	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/9/2004	4157	\$6,703.75	\$650.00	\$4,357.44	\$50.50	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00
7/12/2004	4158	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/14/2004	4159	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/14/2004	4160	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/14/2004	4161	\$1,732.95	\$115.75	\$0.00	\$126.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/14/2004	4162	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/14/2004	4163	\$363.25	\$11.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/14/2004	4164	\$167.25	\$4.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/15/2004	4165	\$181.25	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/15/2004	4166	\$111.25	\$2.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/15/2004	4167	\$713.75	\$30.00	\$463.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

City of Lake Elmo
Building Department

Building Permit Fees

July 01, 2004 Through July 31, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
7/15/2004	4168	\$713.75	\$30.00	\$463.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/15/2004	4169	\$321.25	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/16/2004	4170	\$1,273.75	\$75.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/16/2004	4172	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/20/2004	4173	\$83.25	\$1.19	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/20/2004	4174	\$1,553.75	\$100.00	\$1,009.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/20/2004	4175	\$1,553.75	\$100.00	\$1,009.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/21/2004	4176	\$139.25	\$3.30	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/21/2004	4177	\$1,990.55	\$139.00	\$1,293.86	\$50.50	\$0.00	\$0.00	\$75.00	\$0.00	\$0.00	\$0.00
7/21/2004	4178	\$209.25	\$5.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/21/2004	4179	\$432.15	\$14.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/21/2004	4180	\$83.25	\$1.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/22/2004	4181	\$54.00	\$0.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/22/2004	4182	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/22/2004	4183	\$237.25	\$6.92	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/26/2004	4184	\$83.25	\$1.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/26/2004	4186	\$251.25	\$7.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/27/2004	4188	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/27/2004	4189	\$181.25	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/28/2004	4190	\$97.25	\$1.95	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/28/2004	4191	\$167.25	\$4.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
7/30/2004	4192	\$349.25	\$11.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

City of Lake Elmo
 Building Department

Building Permit Fees

July 01, 2004 Through July 31, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigations	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
7/30/2004	4193	\$209.25	\$6.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$150.50	\$0.00	\$0.00
Totals:		\$22,239.65	\$1,423.48	\$8,599.06	\$680.50	\$0.00	\$0.00	\$0.00	\$150.50	\$0.00	\$0.00
Grand Total of Building Related Fees Collected:											\$33,093.19

*City of Lake Elmo
Building Department*

Plumbing Permit Fees

July 01, 2004 Through July 31, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
7/1/2004	4144	\$0.00	\$0.00
7/6/2004	4149	\$50.00	\$0.50
7/12/2004	4157	\$100.00	\$0.50
7/16/2004	4170	\$50.00	\$0.50
7/20/2004	4174	\$150.00	\$0.50
7/20/2004	4175	\$150.00	\$0.50
7/21/2004	4177	\$100.00	\$0.50
7/21/2004	4178	\$50.00	\$0.50
7/21/2004	4179	\$50.00	\$0.50
7/26/2004	4186	\$50.00	\$0.50
7/26/2004	4187	\$100.00	\$0.50
Totals:		\$850.00	\$5.00

Grand Total of Plumbing Fees Collected: \$855.00

*City of Lake Elmo
Building Department*

HVAC Permit Fees

July 01, 2004 Through July 31, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
7/7/2004	4151	\$50.00	\$0.50
7/12/2004	4157	\$100.00	\$0.50
7/16/2004	4170	\$50.00	\$0.50
7/16/2004	4171	\$50.00	\$0.50
7/20/2004	4174	\$150.00	\$0.50
7/20/2004	4175	\$150.00	\$0.50
7/21/2004	4177	\$100.00	\$0.50
7/21/2004	4179	\$50.00	\$0.50
7/26/2004	4185	\$50.00	\$0.50
7/26/2004	4186	\$50.00	\$0.50
Totals:		\$800.00	\$5.00

Grand Total of HVAC Fees Collected: \$805.00

Lake Elmo City Council August 17, 2004	Agenda Section: Maintenance/Park/Fire/Building	<u>No.</u> 7B
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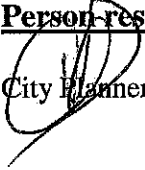
Agenda Item: Fire Sprinklers – Prairie Ridge Office Park

Background Information for August 17, 2004:

As a part of the Council’s approval action on the site plan for the Prairie Ridge office condos (Highway 5 at Stillwater Blvd.) it was agreed that the developer would be required to only install “dry” fire sprinkler systems. That concession by the City was based on the inability of the City to extend municipal water service to the site in a financially feasible manner due to Oakdale water supply contract issues.

The City has been subsequently contacted by the developer advising that the State Fire Marshall will not permit installation of “dry” sprinkler systems due to the false sense of security such installations will project. With that finding – which we have confirmed – it no longer appears possible to enforce the Site Plan condition on the Prairie Ridge project that requires the “dry” systems be installed. A provision of the State Building Code (also the City’s building code, by reference) allows cities to waive the fire sprinkling requirement where the Building Official and Fire Chief certify their concurrence with such a waiver because no adequate water supply is available. By their August 11 letter Chief Malmquist and Build Official McNamara have concurred in the waiver.

Based on the foregoing the City Council is respectfully requested to approve an amendment to the Site Plan approval of Prairie Ridge Office Park deleting the condition requiring the installation of a “dry” fire sprinkler system.

<p><u>Action items:</u></p> <p>Motion to approve an amendment to the Site Plan approval of Prairie Ridge Office Park deleting the condition requiring the installation of a “dry” fire sprinkler system.</p>	<p><u>Person responsible:</u></p>  <p>City Planner/Building Official</p>
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<p><u>Attachments:</u></p> <p>1. Fire Chief/Building Official August 11 Waiver Letter</p>	<p><u>Time Allocated:</u></p>
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City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

August 11, 2004

Chuck Dillerud

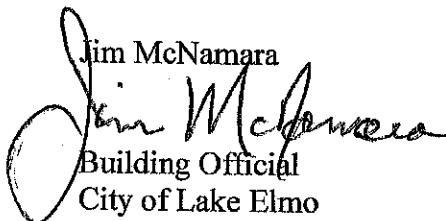
Re: Prairie Ridge fire sprinkler requirements

Chuck,

After conferring with the State of Minnesota Fire Marshal's Office (Dave Stegura) and the State Building Codes and Standards Division (Fred Driver) I, along with our Fire Chief, Greg Malmquist wave the requirement of the fire sprinkler systems for the Prairie Ridge Development due to the fact that the city does not have the ability to furnish the development with the necessary water supply for a fire sprinkler system. This option is given under section 1306.0060 of the fire sprinkler code providing other requirements are met.

Previously it was suggested, by myself, to have the developer install the necessary piping in the buildings now but not require the buildings to be on line with their sprinkler systems until such time that the city was able to furnish an adequate water supply. This, however, was not and is not acceptable to the state fire marshal's office.

Jim McNamara


Building Official
City of Lake Elmo

Greg Malmquist


Fire Chief
City of Lake Elmo

E. Optional occupancy group-municipality may choose option 1 or option 2.

1. Group R-1 and R-2 occupancies with 8,500 or more gross square feet of floor area or dwelling units or guestrooms on three or more floors; and attached R-3 occupancies and attached townhouses built to the International Residential Code with 8,500 or more gross square feet of floor area. All floors, basements, and garages are included in this floor area threshold.

2. Attached R-3 occupancies and attached townhouses built to the International Residential Code with more than 16 dwelling units or more than three stories in height.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0040 STANDARD.

Automatic sprinkler systems must comply with the applicable standard referenced in the State Building Code. If a public water supply is not available, the building official and fire chief shall approve the use of an alternate on-site source of water if the alternate source provides protection that is comparable to that provided by a public water supply. If an adequate alternate water supply sufficient for hose stream requirements is provided or available, the building official and fire chief may permit the water supply requirements for the hose stream demands to be modified.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0050 SUBSTITUTE CONSTRUCTION.

The installation of an automatic sprinkler system, as required by this chapter, would still allow the substitution of one-hour fire-resistive construction as permitted by the International Building Code, Table 601, footnote d.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64

HIST: 27 SR 1479

1306.0060 EXEMPTION.

The building official, with the concurrence of the fire official, may waive the requirements of this chapter if the application of water has been demonstrated to constitute a serious life, fire, or environmental hazard, or if the building does not have an adequate water supply and the building is surrounded by public ways or yards more than 60 feet wide on all sides.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0070 REPORTING.

A municipality must submit a copy of the ordinance adopting this chapter to the Department of Administration, Building Codes and Standards Division, within 15 days of its adoption.

REPEALER. Minnesota Rules, part 1306.0100, is repealed.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0100 Repealed, 27 SR 1479

MINNESOTA RULES, CHAPTER 1306 SPECIAL FIRE PROTECTION SYSTEMS

1306.0010 GENERAL.

This chapter authorizes optional provisions for the installation of on-premises fire suppression systems that may be adopted by a municipality in addition to the State Building Code. If the municipality adopts them, the sprinkler system requirements of this chapter become part of the State Building Code and are applicable throughout the municipality. This chapter, if adopted, must be adopted without amendment.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0020 MUNICIPAL OPTION.

Subpart 1. **Requirement.** The sprinkler system requirements of this chapter, if adopted, must be adopted with the selection of either subpart 2 or 3, without amendment.

Subp. 2. **Existing and new buildings.** Automatic sprinkler systems for new buildings, buildings increased in total floor area (including the existing building), or buildings in which the occupancy classification has changed, must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030, items A to E.

Exceptions:

1. The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to E.

2. The existing portion of R-2 apartment occupancies, attached R-3 occupancies, and attached townhomes is not required to be sprinklered under this chapter.

Subp. 3. **New buildings.** Automatic sprinkler systems for new buildings, additions to existing buildings, or buildings in which the occupancy classification has changed must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030, items A to E.

Exception: The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to E.

STAT AUTH: MS s 16B.59; 16B.61; 16B.64
HIST: 27 SR 1479

1306.0030 REQUIREMENTS.

For purposes of this chapter, area separation, fire barriers, or fire walls do not establish separate buildings. Gross square footage (gsf) means the floor area as defined in the International Building Code. The floor area requirements established in items A to E are based on the gross square footage of the entire building and establish thresholds for these requirements. The following occupancy groups must comply with sprinkler requirements of this chapter, unless specified otherwise:

- A. Group A-1, A-2, A-3, and A-4 occupancies;
- B. Group B, F, M, and S occupancies with 2,000 or more gross square feet of floor area or with three or more stories in height;
- C. Group E occupancies with 2,000 or more gross square feet of floor area or with two or more stories in height;
- D. Group E day care occupancies with an occupant load of 30 or more;

<p>Lake Elmo City Council August 17, 2004</p>	<p>Agenda Section: CITY ENGINEER'S REPORT:</p>	<p><u>No 8A.</u></p>
<p>Agenda Item: PUBLIC HEARING: Assessment Hearing on Hill Trail/50th Street Reconstruction</p>		
<p><u>Background Information for August 17, 2004:</u> In his letter dated August 12, 2004, the City Engineer reported the project is nearly complete and only turf establishment work remains. He recommends adoption of the assessment rate of \$2,500.00 per unit (67.5 assessable units) for this project.</p>		
<p><u>Action Items:</u> Motion to adopt Resolution No. 2004-069, A Resolution Adopting Assessments for the Reconstruction of Hill Trail North and 50th Street North as presented by the City Engineer.</p>	<p><u>Person responsible:</u> T.Prew</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Tom Prew Letter, August 12, 2004 2. Resolution No. 2004-069 3. Notice of Hearing on Proposed Assessment 4. Final Assessment Roll 		

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

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

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

August 12, 2004

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Assessment Hearing
Hill Trail/ 50th Street Reconstruction
TKDA Commission No. 12170-03

Dear Mayor and City Council:

This project is nearly complete, only some turf establishment work remains. The recommended assessment rate is \$2,500.00 per unit, which is the same as we discussed at the public hearing.

Because this is a reconstruction project, our assessment policy allows us to have appraisals done before and after the project to determine the increased property value as a result of the improvement. This was done in January 2003, before the project occurred. The appraiser estimated the average benefit per building site at \$2,500.00.

In the both Feasibility Report, and at the Public Hearing, the staff recommended that we assess 100% of this increase in property value. There are 67.5 assessable units on this project.

Project costs were as follows:

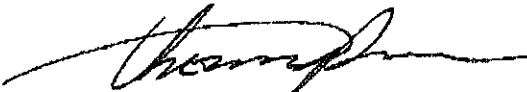
Final Project Cost	\$ 480,000.00
Recommended Assessment	<u>\$ 168,750.00</u>
City Cost	\$ 311,250.00

A list of property owners is attached.

City Council Action Requested

Adopt the recommended assessment rate of \$2,500.00 per unit for this project.

Sincerely:



Thomas D. Prew, P. E.
City Engineer

TDP:tlb
Enclosure (By City)

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-069
A RESOLUTION ADOPTING ASSESSMENT FOR THE RECONSTRUCTION OF
HILL TRAIL NORTH AND 50TH STREET NORTH

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the improvement of Hill Trail North and 50th Street North in Lake Elmo, Minnesota.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten (10) years, the first of the installments to be payable on or before the first Monday in January, 2005, and shall bear interest at the rate of 5.75 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2001. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Lake Elmo, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City of Lake Elmo the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.
4. The Finance Director shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

ADOPTED, by the Lake Elmo City Council on the 17th day of August, 2004.

Lee Hunt, Mayor

ATTEST:

Sharon Lumby, City Clerk



City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

CITY OF LAKE ELMO NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN, that the Lake Elmo City Council will meet in the council chambers of City Hall, 3800 Laverne Avenue North, at **7:00 p.m. on Tuesday, August 17, 2004**, to consider, and possibly adopt, the proposed assessment against abutting property for the street improvements on Hill Trail North and 50th Street North.

Adoption by the Council of the proposed assessment may occur at the hearing.

The amount to be specially assessed against your particular lot, piece, or parcel of land is \$2,500.00. Such assessment is proposed to be payable in equal annual installments extending over a period of ten (10) years, the first of the installments to be payable on or before the first Monday in January 2005, and will bear interest at the rate of 5.75 percent per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2005. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment roll to the Washington County Auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City of Lake Elmo. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. You may at anytime thereafter, pay to the Washington County Auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above, the rate of interest that will apply is 5.75 percent per year. The right to partially prepay the assessment is not available.

The proposed assessment roll is on file for public inspection at the city administrator's office. The total amount of the proposed assessment is \$168,750.00. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the city administrator prior to the assessment hearing or presented to the presiding officer at the hearing. The council may upon such notice consider any objection to the amount of the proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.



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Under Minnesota Statutes 435.193 to 435.195, the council may, in its discretion, defer the payment of this special assessment for any homestead property owner by a person 65 years of age or older for whom it would be a hardship to make the payments, When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of this law and the policy adopted under it may, within 30 days of the confirmation of the assessment, apply to the city administrator for the prescribed form for such deferral of payment of this special assessment on his property.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The city will present its case first by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the city has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning of the city's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the council as to the weight of items of evidence or testimony presented to the council.
5. The entire proceedings will be video-taped.
6. At the close of presentation of evidence, the objector may make a final presentation to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081, by serving notice of the appeal upon the mayor or city administrator within 30 days after the adoption of the assessment roll and filing such notice with the district court within ten days after service upon the mayor or city administrator.

Dated at Lake Elmo, Minnesota, this 30th day of July, 2004.



Sharon Lumby, City Clerk
City of Lake Elmo

FINAL ASSESSMENT ROLE

HILL TRAIL NORTH AND 50TH STREET NORTH
 STREET RECONSTRUCTION CITY OF LAKE ELMO, MINNESOTA
 COMMISSION NO. 12170-03

GEOCODE	ADDRESS	NAMES	UNITS	ASSESSMENT
0502921440041	7982 HILL	55042 CHARLES R & HOPE H LEA	1.0	\$2,500.00
0502921440042	8000 HILL	55042 NORMAN B & JOAN C PURRINGTON	1.0	\$2,500.00
0502921440040	7978 HILL	55042 JAMES A & DEBORAH M TIERNEY	1.0	\$2,500.00
0402921330044	8012 HILL	55042 JAMIE M & MARY L STOUTD	1.0	\$2,500.00
0402921330024	8018 HILL	55042 JACK PETER & JUDITH ZETTERBERG	1.0	\$2,500.00
0402921330049	8024 HILL	55042 PAUL E & NANCY N HANSEN	1.0	\$2,500.00
0402921330025	8028 HILL	55042 PATRICK E & DEBORAH M DEAN	1.0	\$2,500.00
0402921330026	8032 HILL	55042 DAVID W ESCH &	1.0	\$2,500.00
0502921440039	7972 HILL	55042 TIMOTHY J & KATHLEEN GENNRICH	1.0	\$2,500.00
0502921440038	7962 HILL	55042 PAULINE ANN MALON	1.0	\$2,500.00
0502921440036	8009 HILL	55042 JASON & SHANNON TACHENY	1.0	\$2,500.00
0402921330048	8015 HILL	55042 WAYNE BRAND	1.0	\$2,500.00
0402921330047	8023 HILL	55042 PAUL E & NANCY N HANSEN	1.0	\$2,500.00
0402921330027-ect	8034 HILL	55042 SUSAN K & JOEL A BARKER	1.0	\$2,500.00
0502921440035	7959 HILL	55042 DANIEL J & JOAN M LINDSTROM	1.0	\$2,500.00
0402921330042-ect	8038 HILL	55042 SUSAN K & JOEL A BARKER	1.0	\$2,500.00
0402921330045	7955 HILL TR	55042 JAMES R NORMANN ETAL	1.0	\$2,500.00
0502921440032	7951 HILL TR	55042 ALLEN R & VERONICA E SIEDLE	1.0	\$2,500.00
0502921440033	7949 HILL	55042 RODNEY B & DOLORES J HARVEY	1.0	\$2,500.00
0502921440030-ect	7945 HILL	55042 GEORGE T & BRENDA L TAYLOR	1.0	\$2,500.00
0402921330031	8048 HILL	55042 ROGER WM & CANDICE J JOHNSON	1.0	\$2,500.00
0502921440028	7934 HILL	55042 ROGER F DIEDRICH TRS	1.0	\$2,500.00
0402921330022	8051 HILL	55042 CURTISS C JR & AUDRE TALCOTT	1.0	\$2,500.00
0502921440021	7920 HILL	55042 SELMER O & LOIS A OLSON	1.0	\$2,500.00
0402921330039	8056 HILL	55042 JEFF & KELLY ANN REED	1.0	\$2,500.00
0402921330033	8066 HILL	55042 CLAYTON E & GERALDI MICHAELS	1.0	\$2,500.00
0502921440023	7931 HILL	55042 ROLLENE M & DOROTHEA L ARNDT	1.0	\$2,500.00
0402921330010	8061 HILL	55042 CARL W & JUDITH ABRAHAMSON	1.0	\$2,500.00
0402921330003-ect	8012 50TH	55042 MICHAEL P & MAURA A SEVERIN	1.0	\$2,500.00
0402921330038	8076 HILL	55042 THOMAS W & COLLEEN J SWENO	1.0	\$2,500.00
0502921440015	7990 50TH	55042 DAVID L BROWN & MARY G BUNDE	1.0	\$2,500.00
0502921440045-ect	PO BOX 31	55042 KENNETH G ISAACSON	1.0	\$2,500.00
0502921440016	8004 50TH	55042 MICHAEL P & MAURA A SEVERIN	1.0	\$2,500.00
0402921330018	2783 LEGION AVE N	55042 MARK E & MICHELLE R DEZIEL	1.0	\$2,500.00

FINAL ASSESSMENT ROLE

HILL TRAIL NORTH AND 50TH STREET NORTH
 STREET RECONSTRUCTION CITY OF LAKE ELMO, MINNESOTA
 COMMISSION NO. 12170-03

0402921330035-ect	8084 HILL	TRL N LAKE ELMO	55042 LOUIS C LE MIRE	1.0	\$2,500.00
0402921330036-ect	8098 HILL	TRL N LAKE ELMO	55042 ROGER A & MARY K KOSTELNIK	1.0	\$2,500.00
0402921330017	8085 HILL	TRL N LAKE ELMO	55042 DANIEL R BURGESS	1.0	\$2,500.00
0402921330015	8036 50TH	ST N LAKE ELMO	55042 CHRISTOPHER M SMITH	1.0	\$2,500.00
0902921220010-ect	8108 HILL	TRL N LAKE ELMO	55042 STEVEN M & VICKIE J IVERSON	1.0	\$2,500.00
0902921220013	8017 50TH	ST N LAKE ELMO	55042 WILLIAM BRADFORD ISAACSON	1.0	\$2,500.00
0802921110010	8001 50TH	ST N LAKE ELMO	55042 JAMES R DOUGLASS &	1.0	\$2,500.00
0902921220011	8111 HILL	TRL N LAKE ELMO	55042 BONNIE I WEISBROD	1.0	\$2,500.00
0802921110009	8017 N 50TH ST	LAKE ELMO	55042 ISAACSON CHILDREN'S PROPERTY	0.5	\$1,250.00
0802921110002	7851 50TH	ST N LAKE ELMO	55042 RONALD R & CAROL GRITZMAKER	1.0	\$2,500.00
0902921220014	8027 50TH	ST N LAKE ELMO	55042 THOMAS M WALSH &	1.0	\$2,500.00
0902921220025	8023 HILL	TRL N LAKE ELMO	55042 PAUL E & NANCY N HANSEN	1.0	\$2,500.00
0902921220015	8033 50TH	ST N LAKE ELMO	55042 RICHARD K & FRANCES M MYRAN	1.0	\$2,500.00
0902921220016	8043 50TH	ST N LAKE ELMO	55042 MARIAN P COULSON	1.0	\$2,500.00
0902921220009	8120 HILL	TRL N LAKE ELMO	55042 BRADLEY R & AMY J GUSTAFSON	1.0	\$2,500.00
0902921220017	8123 HILL	TRL N LAKE ELMO	55042 RICHARD W & KAREN G NELSON	1.0	\$2,500.00
0902921220008	5831 HYTRAIL AVE	LAKE ELMO	55042 MICHAEL G & RUTH G SCHRANTZ	1.0	\$2,500.00
0902921220018	1172 MCKUSICK LN N	STILLWATER	55082 JOHN A & DORIS E HANNER-TRUSTE	1.0	\$2,500.00
0902921220007	8130 HILL	TRL N LAKE ELMO	55042 JAMES A MARCHIO	1.0	\$2,500.00
0902921220003	8148 HILL	TRL N LAKE ELMO	55042 DONALD WALTER WACKERFUSS	1.0	\$2,500.00
0902921220024	8151 HILL	TRL N LAKE ELMO	55042 CARRIE L BERG &	1.0	\$2,500.00
0902921220004	8160 HILL	TRL N LAKE ELMO	55042 JACQUELINE A HUBENETTE	1.0	\$2,500.00
0902921220006	8164 HILL	TRL N LAKE ELMO	55042 PATRICK B & KATHLEEN SINCLAIR	1.0	\$2,500.00
0902921220005	8170 HILL	TRL N LAKE ELMO	55042 J NICHOLAS & LIND T LINSMAYER	1.0	\$2,500.00
0902921230002	8180 HILL	TRL N LAKE ELMO	55042 STEPHEN BUTZER ETAL -TRUSTEE	1.0	\$2,500.00
0902921230008	8181 HILL	TRL N LAKE ELMO	55042 WILLIAM MARK & KAREN L WELTER	1.0	\$2,500.00
0902921230003	8186 HILL	TRL N LAKE ELMO	55042 FREDERICK L PAUL	1.0	\$2,500.00
0902921230007	8195 HILL	TRL N LAKE ELMO	55042 CHRISTINE M THORNBURY	1.0	\$2,500.00
0902921230004	8190 HILL	TRL N LAKE ELMO	55042 JAMES P & ROBIN A DILLON	1.0	\$2,500.00
0902921230006	8199 HILL	TRL N LAKE ELMO	55042 GREGORY L & KATHLEEN LOHMER	1.0	\$2,500.00
0902921230005	8200 HILL	TRL N LAKE ELMO	55042 DEAN ALLEN & KAREN JOHNSTON	1.0	\$2,500.00
0502921440024-ect	8048 HILL	TRL N LAKE ELMO	55042 ROGER W & CANDICE JE JOHNSON	1.0	\$2,500.00
0402921330030-ect	8048 HILL	TRL N LAKE ELMO	55042 ROGER W & CANDICE JE JOHNSON	1.0	\$2,500.00
0902921220012	8051 50TH	ST N LAKE ELMO	55042 JERRY L LEMIRE	1.0	\$2,500.00
			67.5	\$168,750.00	

<p>Lake Elmo City Council August 17, 2004</p>	<p>Agenda Section: CITY ENGINEER'S REPORT:</p>	<p><u>No 8B.</u></p>
<p>Agenda Item: PUBLIC HEARING: Assessment Hearing on 2004 Overlay Project: 49th Street N., Jane Circle N., Jasper Avenue N., and Jerome Avenue N.</p>		
<p><u>Background Information for August 17, 2004:</u> In his letter dated August 12, 2004, the City Engineer reported the project is complete. He recommends adoption of the assessment rate of \$1,222.00 per unit (21 assessable units) for this project.</p>		
<p><u>Action Items:</u> Motion to adopt Resolution No. 2004-070, Resolution Adopting Assessments for the 2004 Overlay Project as presented by the City Engineer.</p>	<p><u>Person responsible:</u> T.Prew</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Tom Prew letter, dated August 12, 2004 2. Resolution No. 2004-070 3. Notice of Hearing on Proposed Assessment 4. Proposed Assessment Roll 		

cc: 8/13/04

TKDA

ENGINEERS - ARCHITECTS - PLANNERS

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

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AUG 13 2004

(651) 292-4400
(651) 292-0089 Fax
www.tkda.com

August 12, 2004

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Assessment Hearing
2004 Overlays
TKDA Commission No. 12996-03

Dear Mayor and City Council:

This project is complete. The recommended assessment rate is \$1,222.00 per unit, which is the same as we discussed at the public hearing.

The assessment rate is based upon our policy of assessing properties equally within the same zoning classification. The rate is adjusted for inflation each year.

Project costs were as follows:

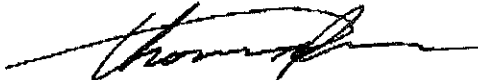
Final Project Cost	\$ 79,079.00
Recommended Assessment	<u>\$ 25,662.00</u>
City Cost	\$ 53,417.00

A list of property owners is attached.

City Council Action Requested

Adopt the recommended assessment rate of \$1,222.00 per unit.

Sincerely:



Thomas D. Prew, P. E.
City Engineer

TDP:tlb
Enclosure (By City)

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-070
A RESOLUTION ADOPTING ASSESSMENT FOR THE 2004 OVERLAY PROJECT:
49TH STREET NORTH, JANE CIRCLE NORTH, JASPER AVENUE NORTH, AND
JEROME AVENUE NORTH

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for the 2004 OVERLAY PROJECT; 49TH STREET NORTH, JANE CIRCLE NORTH, JASPER AVENUE NORTH, AND JEROME AVENUE NORTH in Lake Elmo, Minnesota.

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

1. Such proposed assessment, a copy of which is attached hereto and made a part hereof, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of five (5) years, the first of the installments to be payable on or before the first Monday in January, 2005, and shall bear interest at the rate of 5.25 percent per annum from the date of the adoption of this assessment resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2001. To each subsequent installment when due shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Lake Elmo, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of this resolution; and he may, at any time thereafter, pay to the City of Lake Elmo the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.
4. The Finance Director shall forthwith transmit a certified duplicate of this assessment to the County Auditor to be extended on the property tax lists of the county. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

ADOPTED, by the Lake Elmo City Council on the 17th day of August, 2004.

Lee Hunt, Mayor

ATTEST:

Sharon Lumby, City Clerk



City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

CITY OF LAKE ELMO NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN, that the Lake Elmo City Council will meet in the council chambers of City Hall, 3800 Laverne Avenue North, at **7:00 p.m. on Tuesday, August 17, 2004**, to consider, and possibly adopt, the proposed assessment against abutting property for the 2004 Overlay Project: 49th Street North, Jane Circle North, Jasper Avenue North, and Jerome Avenue North.

Adoption by the Council of the proposed assessment may occur at the hearing.

The amount to be specially assessed against your particular lot, piece, or parcel of land is \$1,222.00. Such assessment is proposed to be payable in equal annual installments extending over a period of five (5) years, the first of the installments to be payable on or before the first Monday in January 2005, and will bear interest at the rate of 5.25 percent per annum from the date of the adoption of the assessment resolution. To the first installment shall be added interest on the entire assessment from the date of the assessment resolution until December 31, 2005. To each subsequent installment when due shall be added interest for one year on all unpaid installments.

You may at any time prior to certification of the assessment roll to the Washington County Auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City of Lake Elmo. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. You may at anytime thereafter, pay to the Washington County Auditor the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to prepay the assessment before the date given above, the rate of interest that will apply is 5.25 percent per year. The right to partially prepay the assessment is not available.

The proposed assessment roll is on file for public inspection at the city administrator's office. The total amount of the proposed assessment is \$25,662.00. Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the city administrator prior to the assessment hearing or presented to the presiding officer at the hearing. The council may upon such notice consider any objection to the amount of the proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.



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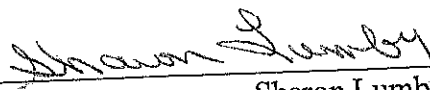
Under Minnesota Statutes 435.193 to 435.195, the council may, in its discretion, defer the payment of this special assessment for any homestead property owner by a person 65 years of age or older for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of this law and the policy adopted under it may, within 30 days of the confirmation of the assessment, apply to the city administrator for the prescribed form for such deferral of payment of this special assessment on his property.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The city will present its case first by calling witnesses who may testify by narrative or by examination, and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the city has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning of the city's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the council as to the weight of items of evidence or testimony presented to the council.
5. The entire proceedings will be video-taped.
6. At the close of presentation of evidence, the objector may make a final presentation to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to district court pursuant to Minnesota Statutes, Section 429.081, by serving notice of the appeal upon the mayor or city administrator within 30 days after the adoption of the assessment roll and filing such notice with the district court within ten days after service upon the mayor or city administrator.

Dated at Lake Elmo, Minnesota, this 30th day of July, 2004.



Sharon Lumby, City Clerk
City of Lake Elmo

Proposed Assessment Roll
 2004 Overlay Project
 City of Lake Elmo, Minnesota
 TKDA Commission No. 12996-01

GEO CODE	Name	Address	Street	Units	Proposed Assessment
1002921220022	ERIC G & SARAH J LARSON	9191	49TH ST N	1	\$ 1,222.00
1002921210012	MICHAEL A & PERPETU MCDONALD		JANE CIR N	1	\$ 1,222.00
1002921210014	STEVEN W & PAULA R WOOD	9389	JANE CIR N	1	\$ 1,222.00
1002921210013	CHRISTOPHER A & MONIQUE R KOLB	9387	JANE CIR N	1	\$ 1,222.00
1002921210011	JOSEPH W & SYLVIA M BAUMANN	9383	JANE CIR N	1	\$ 1,222.00
1002921210015	JAMES MERIT & RUDEEN S DARST	9393	JANE CIR N	1	\$ 1,222.00
1002921210009	BRUCE M & SANDY J CALLEN	9379	JANE CIR N	1	\$ 1,222.00
1002921210010	DENNIS K & CAROL J LARSON	9381	JANE CIR N	1	\$ 1,222.00
1002921210016	TIN & JENNIFER TRAN	9395	JANE CIR N	1	\$ 1,222.00
1002921220013	GREG P & KAREN L SCHULZ	9160	JANE RD N	0.5	\$ 611.00
0302921330018	EDWIN A & JACQUELINE J RANEY	4989	JASPER AVE N	1	\$ 1,222.00
1002921220021	DAVID J & MARY B JOHNSON	4980	JASPER AVE N	1	\$ 1,222.00
0302921330017	HELMUT S K & JOAN P A PORCHER	4990	JASPER AVE N	1	\$ 1,222.00
1002921220018	RICHARD CARMON & ANN M HAWKINS	4850	JASPER AVE N	0.5	\$ 611.00
1002921220020	THOMAS R JOHNSON JR & Nancy	4960	JASPER AVE N	1	\$ 1,222.00
1002921210021	CHESTER L & MARY PAT MOUTRIE	4855	JEROME AVE N	1	\$ 1,222.00
1002921210022	DENNIS E & BARBARA E MARKIE	4865	JEROME AVE N	1	\$ 1,222.00
1002921210023	FRIEDRICH & IWONA T SRIENC	4955	JEROME AVE N	1	\$ 1,222.00
1002921210020	JAMES E & CHRISTINE M TREVIS	4850	JEROME AVE N	1	\$ 1,222.00
1002921220023	JOSEPH HART DARDIS	4880	JEROME AVE N	1	\$ 1,222.00
1002921210019	MICHAEL R & ELIZABETH R ZENO	4860	JEROME AVE N	1	\$ 1,222.00
1002921210018	BROOK F DUERR &	4870	JEROME AVE N	1	\$ 1,222.00
				21	\$ 25,662.00

S.C.

TKDA

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

(651) 292-4400
(851) 292-0083 Fax
www.tkda.com

August 12, 2004

Honorable Mayor and City Council
City of Lake Elmo, Minnesota

Re: Review of Proposed 4-way Stop
Highlands Trail and 59th Street
City of Lake Elmo, Minnesota
TKDA Commission No. 11979-041

Dear Mayor and City Council:

The public works committee has recommended a 4-way stop condition be placed at the intersection of Highlands Trail and 59th Street. Below is my review.

This intersection is 200 feet south of TH 36. It currently has stop signs on 59th Street. The speed limit on all the streets is 30 MPH. Highlands Trail is not a collector route in our comprehensive plan, although it functions as one due to the access to TH 36.

Traffic levels on each leg of 59th Street are very light. There is no stacking of cars at any time of the day. From my experience there is no problem entering Highlands Trail at this location. A 4-way stop condition at this intersection is not warranted due to traffic volumes.

Placing a stop sign at an un-warranted intersection results in increased noise due to stopping and accelerating vehicles; an increased chance that drivers will tend to ignore or miss the sign; and the tendency for drivers to drive faster to make up for time lost by stopping.

The recommendation for a 4-way stop condition stems from the neighborhoods request for traffic calming. In my opinion, a nuance stop sign at this location would have very little effect on the overall speed of traffic on Highlands Trail. Making physical changes to the street is the best method to reduce vehicle speeds.

Recommendations

Do not install a 4-way stop, as it is not warranted.

Perform a speed study to determine the scope of the speeding problem.

Look in detail at physical changes to the street in order to promote traffic calming.

Sincerely;



Thomas D. Prew, P. E.
City Engineer

TDP:tlb

Lake Elmo City Council August 17, 2004	Agenda Section: City Engineer's Report	<u>No.</u> 8D
<u>Agenda Item:</u> VFW Ball Field Lights		
<u>Background Information for August 17, 2004:</u> <p>The installation of the new lights has been recently completed. However, we have encountered a major delay in securing a route to bring the necessary Xcel power supply to the field. A verbal agreement several <u>months</u> ago with an adjacent property owner to provide the City with an easement to run the new power supply unraveled once Xcel presented the actual plan as to how where the new power lines/poles would be located on that adjacent property owners land. Several alternative concepts were also presented to the property owner – none of which could be accommodated. We have finally decided to route the power from a different location, and within the Layton Avenue right-of-way – with increased costs the result.</p> <p>The previous Xcel contract price to bring the power to the ball field was \$9,994.57. The now-revised route results in a Xcel cost of \$12,205.37 – and increase in the project cost of \$2,210.80. Council approval of this project cost increase is respectfully requested.</p>		
<u>Action items:</u> Motion to approve an increase in the cost of the VFW ball field lights project by \$2,210.57 to accommodate a revised routing for the required Xcel power supply.	<u>Person responsible:</u> City Planner	
<u>Attachments:</u> None	<u>Time Allocated:</u>	

Lake Elmo City Council August 17, 2004	Agenda Section: Planning, Land Use & Zoning	No. 9A
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Agenda Item: OP Concept Plan – Tapestry at Charlotte’s Grove

Background Information for August 17, 2004:

At its meeting August 9, 2004 the Planning Commission unanimously adopted a recommendation to approve the subject OP Concept Plan that would divide 172 + acres into 67 single family detached building lots and 92+ acres of Preserved Open Space (to be held by the Minnesota Land Trust – pending). The Commission had conducted a Public Hearing on July 12 that resulted in suggestions for modifications to an earlier version of the Concept Plan. In addition, Planning Staff had identified several OP standards non-compliance issues with that earlier plan. At the request of the applicant the Commission had tabled the plan on July 12 to allow the applicant to respond to the Concept Plan issues raised at that meeting.

The Concept Plan considered by the Commission on August 9 (Staff-dated August 5) both mitigated most of the former OP standards compliance issues, and also addressed many of the issues raised at the Public Hearing. The primary remaining Op standards non-compliance issue (proposed to be a 4/5 Council OP variance) is the proposed encroachment of a public street into the 200 foot OP buffer along a short portion of the project’s west border. The Commission discussed this encroachment at length, and offers the Council a recommendation to approve the variance responsive to the purposes and intent of the OP ordinance. The two commissioners voting against the variance recommendation both clearly stated that their “nay” votes reflected their issue with the 4/5 variance process, not the applicant’s request for the variance.

The issue regarding the applicant’s proposal to introduce a “modified rural section” street in some areas of the neighborhood remains unresolved, pending presentation by the applicant of detailed plans for that design, and a strategy to ensure that future home owners will not decide to change the design in the future – as happened on the last OP that featured rural section streets.

Council approval of the Tapestry at Charlotte’s Grove OP Concept Plan is recommended. It is also recommended that the approval Motion include endorsement of a 4/5 variance for the Public road encroachment into the OP buffer (per August 5, 2004 plans) be supported – with the actual 4/5 variance to be a part of the OP Development Stage/CUP process.

Action items:

Motion to adopt Resolution #2004- , approving the OP Concept Plan for Tapestry at Charlotte’s Grove based on the plans staff-dated August 5, 2004 and the Findings/Recommendation of the Planning Commission.

Further, that the Council endorses the concept of a minor Public street encroachment into the OP buffer as depicted by the August 5 Plan as an 4/5 OP variance in the future OP Development Stage Plan.

Person responsible:

City Planner

Time Allocated:

Attachments:

1. Draft Resolution #2004- Approving OP Concept Plan
2. Draft Planning Commission Minutes of August 9
3. Staff memo to the Commission of August 5
4. Planning Commission Minutes of July 12
5. Applicant’s Graphics – August 5
6. Planning Staff Report of July 12

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

RESOLUTION NO. 2004-071

**A RESOLUTION APPROVING THE OPEN SPACE CONCEPT PLAN FOR
TAPESTRY AT CHARLOTTE'S GROVE**

WHEREAS, at its July 12 and August 9, 2004 meetings, the Lake Elmo Planning Commission reviewed the Open Space Concept Plan for Tapestry at Charlotte's Grove, a 172 acre site with 67 single family detached lots and 92+ acres of Preserved Open Space, and recommended approval to the City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council does hereby approve and accept the Open Space Concept Plan for Tapestry at Charlotte's Grove, located at Julep Avenue N. and 45th Street N., for 67 single family detached lots, as staff-dated August 5, 2004, based upon the following findings

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

ADOPTION, by the Lake Elmo City Council this 17th day of August, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Tapestry Concept Res

MEMO

(August 5, 2004 for the Meeting of August 9, 2004)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: OP Concept Plan – “Tapestry”

This OP Concept Plan application for 67 single family lots on a site of 172 acres was tabled by the Planning Commission (at the request of the applicant) on July 12 to allow the applicant an opportunity to address the Findings of the July 8 Staff Report, and the Public testimony from the July 12 Public Hearing. Since the subject was not again considered at the next Planning Commission meeting (July 26 – Canceled), Staff has re-notified the adjacent property owners regarding the August 9 continued consideration of the Concept Plan.

The revised Concept Plan (Staff Dated August 5, 2004) is modified from the previous Concept Plan in the following significant manner:

1. All lot areas are now .75 acres or greater – in compliance with OP standards. The previous Plan proposed 11 lots of less than .75 acres.
2. The previously identified OP buffers not meeting OP standards along a portion of the East project border has been enlarged to be in compliance. The south OP buffer (adjacent to Sunfish Park) remains at 100 feet. Staff continues to find that this 100 foot buffer (adjacent to a sizable Public open space holding) is responsive to the purpose and intent of the OP Ordinance, and in compliance.
3. The Concept redesign has significantly modified the layout on the east periphery of the site to both introduce preserved open space adjacent to a portion of the site adjacent to the Sunfish Ponds Hamlet, and reduce the linear street and lotting arrangement previously proposed for the same area.
4. Two future Public street extensions to the North has been reduced to a single future extension – on the Keats Avenue alignment.
5. The alignment of the private driveway access to the proposed Public street at the northwest corner of the site has been modified responsive to the City Engineer’s recommendation.

The applicant reports that it has met with the City Engineer regarding the proposed “modified rural section” street proposal. As of this writing Planning Staff has not received confirmation of the City Engineer’s “approval” of the design – but we will have a response from the City Engineer by August 9.

The applicant has advised City Staff of a technical OP buffer issue that was not recognized with the earlier Concept Plan; and, which continues with the August 5 Concept Plan. The proposed Public street that parallels the 2.467 acre “Exception” parcel

in the northwest quadrant of the Concept Plan is set back 100 feet to 200 feet from the west property line of the site (as shared with the "Exception" parcel) over a distance of 200 feet. Clearly the Exception parcel is not eligible for future OP development based on parcel area, therefore requiring a 200 foot OP buffer be provided. Combined, those two facts result in non-compliance of the Plan with the OP standard regarding street location in an OP buffer only as a right angle crossing.

Staff has discussed this problem with the applicant in search of a design solution without success. The applicant has advised staff that it intends to seek a 4/5 OP waiver for this 200 foot buffer incursion by a parallel Public street; and, will be prepared to present the Commission with the basis for the 4/5 waiver on August 9.

With the modifications to the OP Concept Plan reflected by the August 5 drawings, and, assuming a favorable recommendation regarding the OP 4/5 waiver regarding the short section of parallel street in the OP buffer, Staff now recommends the following Findings regarding the Tapestry OP Concept Plan:

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

Based on those Findings, Staff recommends approval of the Tapestry OP Concept Plan based on the Findings proposed and the Concept drawings dated Staff dated August 5, 2004 , including a OP 4/5 waiver of the OP buffer standard to allow a 200 foot segment of Public street to encroach 0-100 feet in and parallel to a 200 foot buffer.

The Commission is respectfully reminded that the previous Concept Plan version did comply with OP buffering requirements along the common border with Hamlet on Sunfish Lake OP. The applicant's Concept Plan modifications in that regard have been exclusively responsive to the stated concerns of the Hamlet property owners – not the OP Ordinance.

OP CONCEPT PLAN – TAPESTRY at Charlotte's Grove
Continued from July 12, 2004

The Planner said the applicant requested tabling the application at the July 12 meeting to address ordinance standards and design related matters. He reported that a revised Concept Plan was received by the City with the following changes

- OP buffer distance was increased to 200 feet for several lots in the northeast corner of the site.
- In the original plan's southeast corner there were 11 lots with area less than .75 acre. In the revised plan all lots are at least .75 acre in area.
- The significant redesign of the eastern part of the plat to increase the OP Preserved Open Space adjacent to Sunfish Hamlet OP. He noted that this was not an OP compliance-required modification, but rather in response to Public testimony at the previous Commission meeting.
- The Planner reported that the applicant and City Engineer have discussed the proposal for a "modified rural section" street in some area of the site. He noted that the Engineer was not necessarily opposed to the concept, but requested further design details at the Development Stage before endorsing the design.

The Planner said that in the earlier design, he missed a public street at the west edge of site within the 200 feet buffer of an existing residence. A street like that is allowed if it goes across at right angles. Various approaches have been discussed, but the applicant will make arguments for it being a better design to have it there.

Staff Findings:

1. The Concept Plan is generally consistent with goals objectives policies.
2. The Concept Plan is consistent with the purpose and intent of the OP Ordinance.
3. The Concept Plan generally complies with the OP Ordinance.

The Planner advised that if the Planning Commission finds the noted road encroachment in to the 200 foot buffer to be a problem greater than an reasonable use of the site resources, a finding should be made in that regard even though the necessary 4/5 OP variance is a City Council determination.

The Planner recommended approval of the OP Concept Plan and the 4/5 variance for the road encroachment.

Commissioner Sedro asked if this plan meets the percentage of contiguous open space.

The Planner said it meets the requirement that 60% of open space be in parcels of at least 10 acres.

Commissioner Johnson asked what happens if the transfer of property to Berschens does not occur.

The Planner said that is still a consideration. If the transfer does not occur, this plan will have to be reduced by six lots.

Darren Senn, Senn and Youngdahl, Lead Designer

Mr. Senn said he and his team received good input from commissioners, city staff, and neighbors.

Excerpt Lake Elmo Planning Commission Draft Meeting Minutes of August 9, 2004
OP Concept Plan: TAPESTRY at Charlotte's Grove

The applicant went back to the drawing board and came back with an even better plan. He suggested that this plan better creates a neighborhood as demonstrated by the graphics. The 200 feet buffer in the northeast caused the road to be changed, curved, and looped creating an even better neighborliness in that corner. The view corridor has been opened on the east side, in the middle of the plat. Circulation was alleviated around the entryway, creating three channels instead of just one. It will be safer and traffic is reduced.

Commissioner Schneider asked if rural road cross-sections can be maintained over time if home owners attempt to modify them.

Mr. Senn said the objective of the rural sections is aesthetic and functional. He said his engineering staff and the City Engineer have met to discuss it. The rural section concept is where many cities are heading, so surface water infiltrates. It is more environmentally sensitive and rural in nature. However, he said they may choose a more urban street section in the denser areas of the plat.

Commissioner Berg asked about the road setback encroachment into the OP buffer.

Mr. Senn said there are substantial trees in a pine grove near an existing old wagon road. There is even an old wagon they might keep as a feature there. There is also a 30 feet grade change going up to where the exception parcel lies.

Commissioner Deziel asked why that portion of the road could not be completely eliminated.

Mr. Senn said he believes the alternative circulation that results from that road segment (which encroaches into the OP buffer) alleviates some of the traffic for several homes in the neighborhood. The road in that location is practical and enhances scenic value.

Commissioner Johnson asked if the development is expected to produce 700 trips per day.

The Planner said that 10 vehicle trips per day is the average for a single family residence. He said 45th Avenue North has a capacity of 5000 vehicles per day.

Commissioner Sedro asked if trails are on the revised plan.

Mr. Senn said they are, but in a different color. They will design the trails within the context of the ordinance. They want it to be purposeful with connectivity to the community and the park. It will be dealt with on a more intensive basis at the next OP stage.

Commissioner Sessing asked about flag lots.

The Planner said conventional code does not really apply in an OP Development, and that the City has permitted that design in prior OP projects.

Commission Deziel noted differences with the road layout, with multiple curves rather than squared intersections. He said he understands the niceness of the curve but it is not always bad to have a stop sign in a pedestrian area. He said a curve takes more impervious surface and we lose some contiguity of open space. It might be more desirable to have an intersection with a stop sign.

Mr. Senn said that it is excellent to think that an intersection slows traffic and makes it safer. He

Excerpt Lake Elmo Planning Commission Draft Meeting Minutes of August 9, 2004
OP Concept Plan: TAPESTRY at Charlotte's Grove

said a curve could also serve as a landscape feature in the northeast section of the plat, but that squaring some intersections may be beneficial.

Commissioner Schneider asked if it is still the applicant's their intention to site the houses at the front of the lots along Sunfish Park.

Mr. Senn said they would be sited closer to the rear to the woods.

The Planner said the developers are constrained as to home location in that area by the buffer.

Commissioner Helwig asked if the Berschens property is not available what the applicant will do.

Mr. Youngdahl said there will be six fewer lots, and an alternative access to 45th is available.

Lake Elmo resident, Jerry Marsolek requested to speak even though he spoke at the Public Hearing in July. He said he just wanted to commend Senn and Youngdahl for working with the neighbors.

A letter from Mr. and Mrs. Skeie was read aloud by Commissioner Sessing. It is attached to these minutes.

Commissioner Deziel commended Senn and Youngdahl for listening to the land and to the neighbors.

Commissioner Johnson also stated that she appreciated developers listening well, and commended them for it.

M/S/P, Sedro/Johnson, To recommend approval of the OP Concept Plan for Tapestry at Charlotte's Grove based the Finding listed in the August 5, 2004 Planner's Memo to the Commission, and the plans staff-dated August 5, 2004.

Commissioner Sessing said that the road through the OP buffer zone is his only concern.

VOTE: 9:0.

Commissioner Pelletier said she does not necessarily want a road in the buffer but thinks it is needed to keep down congestion, especially with only one entrance and exit to the development.

Commissioner Johnson would like to keep the road as designed through the buffer for traffic flow because it is important to preserve trees. She went to the site and observed the trees and thinks they should be preserved.

The Planner explained that the process for keeping this road design is not like a regular zoning variance, but peculiar to the OP Ordinance.

M/S/P, Johnson/Pelletier, To recommend support of a four-fifths OP waiver to allow a Public road to encroach in the OP buffer zone in order to preserve trees and decrease traffic flow.

VOTE: 7:2

Commissioner Sedro noted that her nay vote was only symbolic because she does not support a four-fifths waiver loophole in the OP ordinance.

Excerpt Lake Elmo Planning Commission Draft Meeting Minutes of August 9, 2004
OP Concept Plan: TAPESTRY at Charlotte's Grove

Commissioner Sessing stated that his nay vote was only to indicate his opposition to the OP ordinance 4/5 variance provision, and not reflective of the applicant's design in this case.

Chuck Dillerud

From: Mark & Janet Skeie [mjskeie@earthlink.net]
Sent: Monday, August 09, 2004 12:06 PM
To: Chuck Dillerud
Subject: Re: Planning Commision/"Tapestry At Charlotte's Grove"

We have seen the new plans for the "Tapestry at Charlotte's Grove". We continue to be impressed by the willingness of the developer to find a working compromise. We understand the difficulty in pleasing everyone. The new plan has resolved many of our concerns. We do understand from some of our neighbors of on going issues with additional buffering between the Hamlet on Sunfish Lake and Tapestry at Charlotte's Grove. We do encourage all parties to continue the sprit of listening and compromise which has been with this process to date.

Thank you for your leadership on this difficult matter.

Mark and Janet Skeie
4156 Kindred Way
Lake Elmo, MN 55042

651-777-9578

City of Lake Elmo
Planning Commission Meeting
Minutes of July 12, 2004

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

PLEDGE OF ALLEGIANCE

AGENDA

Add 8A Waivers. M/S/P, Johnson/Deziel, To accept the agenda as amended. VOTE: 9:0.

MINUTES

M/S/P, Sessing/Deziel, VOTE: 8:0.

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: 9:0.

~~This item will be presented to the City Council on July 20, 2004.~~

PUBLIC HEARING: OP CONCEPT PLAN – TAPESTRY at Charlotte's Grove

The Planner presented the application for an Open Space Preservation Concept Plan for a residential subdivision. He explained the review process for an OP Development Project as a three-step process. The first stage is a Concept Plan. The applicant provides the city with an idea of what the intentions are. There are certain quantitative standards that must be met. With approval of a Concept Plan, there is no right except to come back to the city with a Preliminary Plat/Development Stage Plan with stricter requirements. The Final Plan and Plat go directly to the City Council.

The Planner said this site is east of Lake Jane along 45th Avenue North, West of Hamlet on Sunfish Lake, and east of Public Works and the landfill site. The plan is for 173 acres which includes a portion of the Berschen parcel to the west. The proposal is to construct a single family detached neighborhood of 67 home sites with preserved Open Space in the center and west portion with the potential for future access to the north and west. Sunfish Park is located to the south.

The Planner said that standards are different now compared to when Hamlet on Sunfish Lake was developed. Buffering and lot size requirements have changed substantially.

The Planner noted that 200 feet minimum buffer/structure setback to the north as required because the land abutting is not eligible for OP Development. 100 feet of buffer with screening is shown to the east because the adjacent parcel is an OP Development. The plan shows 100 feet buffer to the south, which is public property, a park that will never be developed. The Commission allowed it in the Plat of Whistling Valley. The residential lot in the southeast corner is proposed as .6 or .65 acre, but our Code now specifies .75 acre, larger than in Hamlet.

The Planner said the plan calls for modified rural road cross section indicating how the roads would be constructed. They would have ditches and no storm sewer. We have one OP development that has rural sections. We had difficulties there, which is why we removed it from the ordinance. The homeowners did not like them. He said that with the rural road section, reduced lot sizes, and the 100 feet buffer to the south, the City Council can only approve this Concept Plan by 4/5 waiver.

The Planner noted that VBWD has concerns with land-locked water basins on the site. Our City Engineer raised issue with the rural section but is willing to listen to the developer explain how they can make it work. The engineer said the intersection on the northwest portion of the site is a concern because it has been essentially a private driveway until now. The open space on the northwest side was placed there so the neighboring property can become part of the open space. That portion will become part of the conservation easement that can be farmed forever. This plan is potentially transferring development rights with city owned land to the north. If that does not work, the 16 extra acres will be removed from the plan and the development will be reduced by 6 residences.

The Planner said that Findings should be that the application is consistent with the comprehensive plan, that it meets the standards of the OP Ordinance, and that the plan meets the intents and purposes of the ordinance. He said it is difficult to make a finding for compliance

The Planner said the applicant has held at least one neighborhood meeting for this Concept Plan. The application does meet the standards of the Code.

Commissioner Deziel asked if the Concept Plan meets the standards, are the Commissioners compelled to vote for it.

The Planner responded that the Findings are three-fold, but the Planning Commission still does not have to vote for it. If the applicant wishes to apply for the 4/5 waiver, that should not be held against them.

Commissioner Johnson asked if the applicant had shared any alternative plan for access to this property if the Berschens'/City property transaction does not take place.

The Planner responded that the current driveway has an easement on it so the current access plan should not be a problem.

Commissioner Johnson stated that if that were the case, the home on the corner of 45th Street and Julep Avenue would have a major development entrance very close to their house.

The Planner responded that the City and developer are aware of this, and there should be room to be able to have the entrance more west of the home.

Commissioner Deziel asked if the easement to the north could become an extension of the road on the plan.

The Planner said it could, potentially. The Planner suggested that the Plat of Hamlet on Sunfish Lake

may have had a road intended but it was not platted as a street but as an outlot.

Commissioner Berg said he talked to the former City Planner. In that discussion she said there was a plan for a road easement there at Hamlet on Sunfish Lake. The Planner said it did not happen that way.

Mark Youngdahl, Managing Partner in St. Croix Farms and partner in Senn and Youngdahl
 Mr. Youngdahl said that he and his partner live in the valley and are friendly with Lake Elmo, his children play little league here. He said he understands that certain new developments come with mixed feelings. His company has done work here. Their objective is to solicit input from the Planning Commission and the community. He said that a project of this scale deserves it. They met twice with homeowners from Hamlet on Sunfish Lake. He said that he and his partner are passionate about homes and designs, they are builders and developers. They emphasize historic, nostalgic, timeless styles.

Mr. Youngdahl introduced his team. Darren Senn is the Lead Designer. Alan Kretzman and Greg Moris are engineers. He noted that rural ditches may actually cost more than curb and gutter.

Darren Senn, Lead Designer

Mr. Senn said their ideals call for listening to the land, paying attention to the design of the land, streets, and neighborhoods. He said his company had a part in the creation of Fields of St. Croix. They are members of the community. They want to do good work. He thanked staff for their gracious assistance. He thanked the Hamlet residents for their respect, concerns, and for sharing their thoughts with them.

Mr. Senn explained the basis for the design. He said he thinks in space and visuals, not in numbers. He is planning for the visual appeal of the land after their footprints have been there. He drove around Lake Elmo, and knows an objective in the city is to maintain view corridors. It is incredibly scenic. He noted that a lot of rear houses are seen from the view corridor, so his idea was to move the houses out of the view. That is one of his objectives. Another is to maintain the natural beauty of the site. It is very scenic. This plan maintains the meadow in the center and moves houses to the perimeter. The open space is divided into two areas; the northern area is for more active use. They wanted the land to be dedicated to something that maintains the Lake Elmo identity, so it will remain agricultural with a tree orchard, farming, or horse grazing. The southern portion is seen differently, and their goal is to maintain it in the existing state. Photos in the packet give examples of Open Space restored with prairie grasses preserved like in Jackson Meadow. They would like to maintain what currently exists because it is naturally beautiful or they have thought of it becoming more like a native prairie restoration. He said the objective was to be able to experience the natural beauty as you drive, ride, or walk through it. The western portion of the site is partially wooded with a natural valley there without significant trees. Typically with streets on either side the usual preference would be for it to become mowed lawn. Instead the street indicates the center with prairie or meadow on both sides of the street, and driveways disappearing behind the grasses, making them more invisible. That is their Landscape Concept. Open Space maintained is critical so that it patinas over time with little maintenance required. Additionally they would like to have the landscape blend with the natural and manicured environments. The southwest corner lots are about one-tenth an acre smaller than the others, and have a slightly different streetscape. Those houses would be slightly closer to the street, and he and his team are still working on that design.

Mr. Senn said that they design and build homes that are timeless and recognizable. They feel that it is important that architecture fit with the land. The homes speak for themselves. He said they design four-sided architecture, and all are designed with consistent materials. They also build with the idea not to see rear houses. Many He said they pay special attention to how rear elevations are designed. Their objective also shows them all fronting the streets.

Commissioner Pelletier asked about a part of the map on the east in the middle.

Mr. Senn said it is a high elevation point, wetland, gathering area, and scenic view with a roadway around it. He also pointed out a lot with a beautiful grove of trees in the center. They plan a rural authentic

farmhouse there, as an anchor that will appear to have always been there.

Commissioner Schneider asked if the two lots in the Conservation Easement are slated for the Moris Family.

Mr. Senn said they are.

Commissioner Schneider said that with those lots abutting the park, it seemed like a big asset for that homeowner and nobody else.

Mr. Senn pointed out that all community members are provided access to the park through the trail system. It is a huge amenity for all. They would also provide access to the pathway for Hamlet residents to enjoy.

Commissioner Schneider said it is too densely wooded there for access to the park.

Commissioner Deziel because of trees, the view shed might be more desirable for the residents and neighbors.

Mr. Senn said they wanted to maintain the center for open space due to significant scenic value. It will also reduce impact of construction in that area. The park is densely wooded there, its value occurs inside the park. He said he created several diagrams to be sure they got the best layout. Their design objectives drove the plan.

Commissioner Sedro asked about several blank areas on the maps. One is an exception.

Mr. Senn said that two are lots, and one is the specified farmhouse with an original appearance. The exception has an existing house and barn which also adds to the scenic value.

Commissioner Helwig asked where the rest of the homes back there are located.

Mr. Senn said he thinks there are two more homes back there on the southwest side.

Commissioner Schneider said the developer wants to reduce back sides of houses but Hamlet residents have full impact.

Mr. Senn said that is an issue the neighborhood meeting revealed, and the team is working on mitigation. It was their objectives that drove them, and the process brought up the neighbor's concern. Hamlet was developed with a similar principal. Under the City's guidelines, with the understanding of how homes abut with another OP district, he said he thought they were doing something that was okay. He and his team met with neighbors at City Hall and once on site. The neighbors were concerned and he would like to mitigate their footprint in those neighboring backyards.

Commissioner Schneider said the view shed is on the 45th Street corridor, not as you are coming into the development. Wildlife is deterred from going into the park to the south.

Mr. Youngdahl said that one of their objectives is to listen to comments and attempt to redraw the plan to address those concerns.

Commissioner Pelletier said she loves the builder's homes but has an issue with Preserved Open Space because of the larger lots in the center, the preservation of wildlife, and so much curving with the roads.

Mr. Senn asked if the OP is in the wrong place. He said they thought 300 feet of buffer was a good idea.

Commissioner Sedro said the VBWD Engineer lists points such as runoff, among other things.

The Planner explained that engineering and runoff will be addressed in the next phase.

Commissioner Deziel asked if the plan for the roads was for rural section throughout or just in parts.

Mr. Youngdahl said they do not know yet. They would like to create a system that is better, more scenic, or rural than curb and gutter. He said they are seeking a gauge for understanding in order to design it appropriately.

Commissioner Deziel asked if the developer had considered rainwater gardens.

Mr. Senn said they are a consideration for stormwater runoff.

Commissioner Deziel said smaller lots and rural ditches go against each other. Ditches take a lot of space away from littler lots.

Greg Moris, Engineer

Mr. Moris said there is actually ten feet of easement. What they are looking at now is a scenario that stretches out the ditch but makes it shallower.

Mr. Senn said the reason for rural roads is design oriented. They want Tapestry to look like a rural neighborhood. At higher density points, we might need curb and gutter, and may blend two systems.

Commissioner Sedro has no doubt they can make it look great but asked about enforcement. Would that be in the Covenants?

Mr. Youngdahl said their concerns are to create beauty and for it to last. There are a couple of different ways they can address that, one will be in the Covenants which will be very clear on it, especially in buffer areas, through the Association documents.

The Planner said the subdivision of Cloverdale Farms in neighboring Baytown, is an example of how yards are treated. There are some rural sections in there. From a staff perspective, they discussed the same question, how do you insure it? He said the most effective method is in the Covenants. The Planner discussed with the developers how to do it. Plus our engineer has to be convinced.

Chairman Helwig asked the size of Hamlet's buffer back then.

The Planner said he does not believe it was 200 feet.

Chairman Helwig said he thinks 100 or 75 feet.

Planner said he recollects it was less.

Commissioner Schneider asked if all properties are being shown with houses located to the front of the lot, closer to the street.

Mr. Senn said they think so, in order to move houses closer to create a neighborhood while creating a larger buffer. One resident, Jerry, had a concern about elevations of some lots compared to theirs. Mr. Senn said they have designed a couple of homes with lower roofs to reduce that impact. Their idea is to be building to the street setback line.

Commissioner Schneider asked if they would be building walkouts.

Mr. Senn said they will work with the land. They are not huge walkout fans. He said houses at grade at the rear are an enhancement.

Commissioner Sedro said it is mentioned in the Staff Report that this parcel is within the 1,000 feet Shoreland Overlay, and topographic division might them. She asked if that was for wastewater treatment.

The Planner said a constructed wetland is recognized as sewer by the City Planner, but not for the DNR. The Planner does not think there is a Shoreland an issue here.

Commissioner Sedro asked how far the drainfields are from Sunfish Lake.

Mr. Moris said he will get that information for the Commission.

The Planner said if that were an issue, Hamlet would be an issue.

Mr. Senn said they would like to come back with a revised plan answering all questions and issues.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 8:19 P.M.

Jerry Marsolek, 4212 Kindred Way, Hamlet

Mr. Marsolek said he has concerns. What is a plus for Tapestry is a disaster for Hamlet. He said there is a natural wildlife corridor running north to south on the east side of the parcel, yet there is more buffer to the west. They should free space in the east. Tapestry is not impacting anyone on the west, just us on the east. The elevation in the house across from him will be fifteen feet higher. Their should be some screening there. There are wooded areas but some are open so trees and berms won't be practical.

Dennis Kelly, 4233 Kindred Way, Hamlet

Setbacks on the east are only 100 feet but open space is behind their lots, the applicants should have the same amount on their parcel. He said the traffic situation presents a concern because people going to Stillwater will go across 47th to Kimbro to Lake Elmo Avenue. He asked about paving Kimbro north of 47th and 50th, and where will that come in the process?

Daryl Vosberg, 9436 Jane Road

Mr. Vosberg lives near Lake Jane. He understands the concerns from people in Hamlet. Access out of this development is right onto 45th Street and Lake Jane Trail, otherwise you have to go up Keats to 36. He is concerned with traffic load. He said this plan does not abide by the ordinance that is in place now. He asked if there is a way to get a second access into this development.

Dan Beech, 4384 Kimbro Avenue North

Mr. Beech said he lives north of Hamlet, just to the northeast of Tapestry. He lived here before all the other neighborhoods, and got to know many nice people. He reemphasized the wildlife corridor. He said this plan offers a pocket of open space not corridors. When one looks at the aerial, there are runoff concerns. There is a wetland on the rear of his property. Herds of deer and turkeys won't be able to come through anymore. He wondered if the wells for this development will be impacting his and his neighbor's wells. He is worried about the groundwater impact and septic considerations.

Jeff Moris, 914 16th Avenue SE, Forest Lake

He said he watched the wildlife while living on this property for 28 years, and what he notices is a nice thing. Turkeys go where they need and so do deer. This plan is attractive to him and his family. Wildlife requires food, water, and cover. The majority of the whitetail come from the park when the crops are cut. That migration occurs on the west side of the property between Moris and Berschens. There are 60 to 70 deer, and they stay in the woods as long as they can. There are natural deer trails on the northern portion of the property. Hay has been planted there the last 15 years because soybeans and corn eroded. Ag crops are still being planted further north. The tree farm is next and provides natural cover. Deer travel through cover to food sources and back to cover. Tree farm, Riecks, Judd, and back to the woods on Moris. Movement of the deer herd is through the cover not the middle of the development.

Mark Skeie, 4156 Kindred Way

He said he has lived over five years in Hamlet, and there were 22 deer last winter, one dozen per day. Their patterns must have shifted with moving of traffic, and the herd has grown. There is also a pack of coyotes moving north to south. Some wildlife consideration would be appreciated.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:33 PM.

The Planner said he was not going to address deer traffic patterns or design aspects. Traffic is dealt with by the City Engineer, and he calculates perhaps 700 trips per day at full build out, about 10 trips per residence per day. Trips are half in and half out. 45th Street North at the street light can handle up to 5,000 vehicles per day, the city is a long way from it even with this new development. 45th is a Collector Street and perhaps will be a state aid street some day, it is meant to carry traffic. Klondike will be surfaced soon. He said it is already a state aid street designed to carry traffic. He agreed that a second access would be nice. Potentially three additional accesses are available should they be necessary in the future. Carriage Station has two with 110 residences. The city has designed the discontinuous street system for privacy issues.

The Planner said that runoff into the pond is not addressed at Concept State. That is a second stage consideration. The city has the 1% rule for stormwater post-development as what was there pre-development. That standard applies for the watershed, and will have to be met.

Mr. Senn requested tabling for a couple of weeks.

Commissioner Ptacek explained that the Planning Commission is a recommending body but if it fits the ordinance it is recommended. The individual has rights to develop as long as it meets our objective criteria. He said the developers did a pretty good job and it looks like a great project. He said the farmstead lot looks like a flag lot, and if the intent and spirit of the developer is to create more of a sense of community the two individual lots don't blend.

M/S/P, Ptacek/Sessing, To table. **VOTE: 8:0.**

THE CHAIR CALLED A RECESS AT 9:45 P.M.

THE MEETING RECONVENED AT 9:53 P.M.

~~**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.

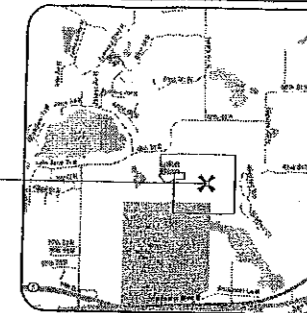
~~No testimony was offered.~~

tapestry

AREA LOCATION MAP



TAPESTRY
45TH STREET NORTH & JULEP AVENUE
LAKE ELMO, MN



PREPARED FOR:

ST. CROIX FARMS LLC
109 EAST MYRTLE STREET
STILLWATER, MN 55082
PH: 651.351.1430 FX: 651.351.7686

REGISTRATION:

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

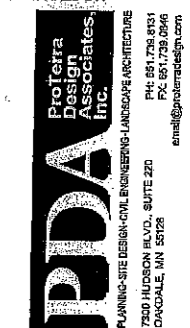
Signature

Type of Printed Name

Date

Reg. No.

PREPARED BY:



REVISIONS:

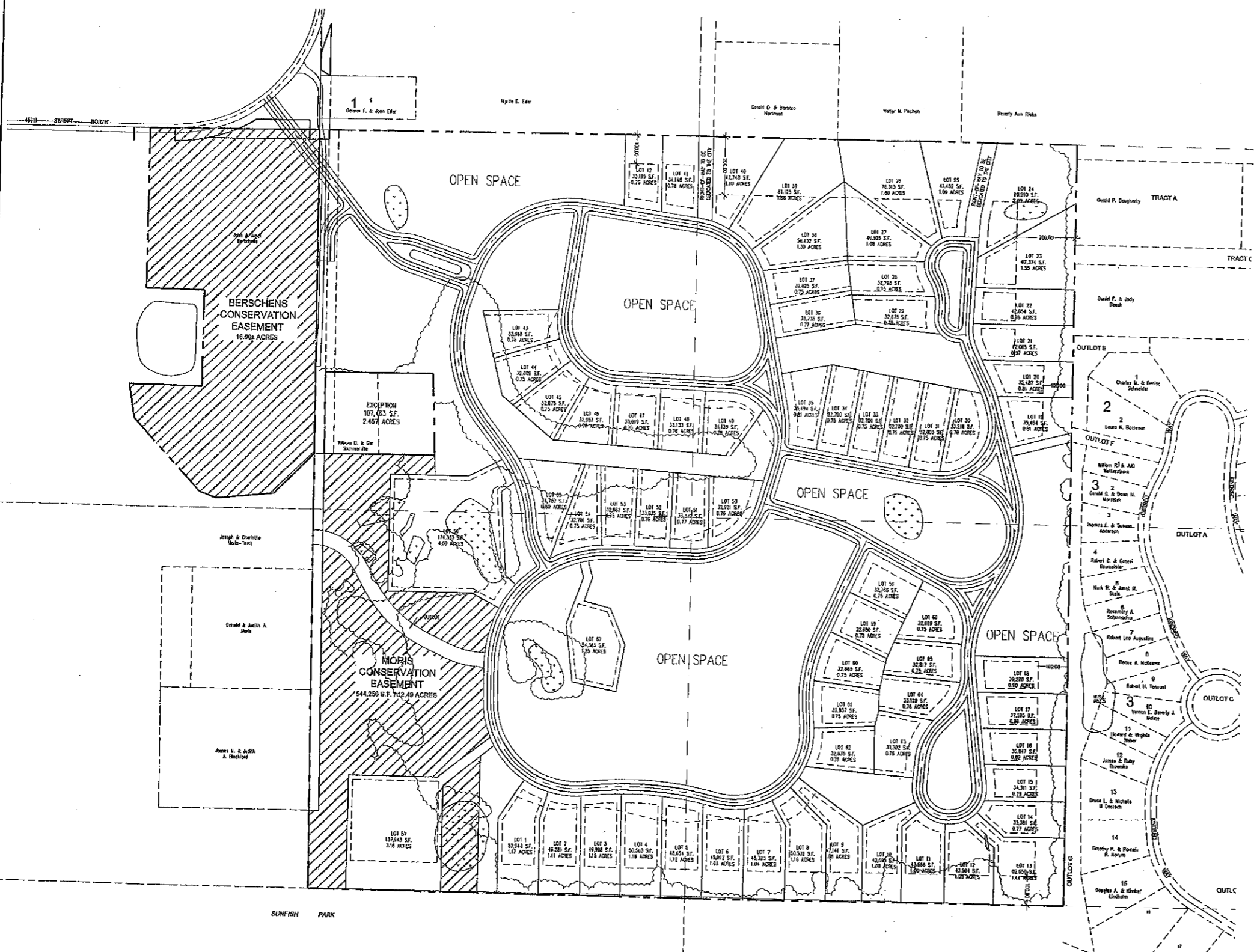
No.	Date	Item
1.	06.02.04	REV. DENSITY CALCS.
2.	06.22.04	CONCEPT LAYOUT
3.	08.03.04	REV. CONCEPT LAYOUT
4.	09.04.04	PER CLIENT REQUEST

No.	Date	Item
1.	06.02.04	REV. DENSITY CALCS.
2.	06.22.04	CONCEPT LAYOUT
3.	08.03.04	REV. CONCEPT LAYOUT
4.	09.04.04	PER CLIENT REQUEST

Project Name and Address:
TAPESTRY
JULEP AVE. N. & 45TH ST. N.
LAKE ELMO, MINNESOTA

Sheet Title:
**CONCEPTUAL SITE LAYOUT
(SUBJECT TO MODIFICATION)**

Project No:	04025
Drawn By:	MLS
Checked By:	GDM
Date:	06.29.04
Sheet:	C1.1



EXISTING INFORMATION

EXISTING SURVEY INFORMATION PROVIDED BY CORNERSTONE LAND SURVEYING, INC. EXISTING TOPOGRAPHIC INFORMATION PROVIDED BY WASHINGTON COUNTY. PROTERRA DESIGN ASSOCIATES, INC. SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF INFORMATION PROVIDED BY OTHERS.

MORIS PROPERTY:	156.939 ACRES
MINUS EXCEPTION:	2.467 ACRES
TOTAL MORIS PROPERTY:	154.472 ACRES
BERSCHEM'S PROPERTY:	13.000 ACRES
TOTAL SITE AREA:	172.472 ACRES

OPEN SPACE PRESERVATION DISTRICT (OP)

MINIMUM DISTRICT REQUIREMENTS

STRUCTURE REQUIREMENTS:	
MAXIMUM BUILDING HEIGHT (PRIMARY STRUCTURE)	FROM GRADE AT PEAK = 35'
MAXIMUM BUILDING HEIGHT (ACCESSORY STRUCTURE)	FROM GARAGE DOOR = 14'
LOT REQUIREMENTS:	
MINIMUM LOT WIDTH	N/A
MINIMUM LOT LINE	= 14'
MAXIMUM LOT COVERAGE; BUILDABLE LAND AREA	= 30%
MINIMUM LOT SIZE (INDIVIDUAL WELL AND SEPTIC SYSTEM)	= 1 AC.
MINIMUM LOT SIZE (INDIVIDUAL WELL AND COMMUNITY SYSTEM)	= 0.75 AC.

REQUIRED SETBACKS FROM PROPERTY LINES (PRIMARY STRUCTURE)

FRONT	= 30'
SIDE	= 15' OR 10% OF LOT WIDTH (WHICHEVER IS GREATER)
REAR	= 30'
ARTERIAL STREET	= 30'

BUFFER ZONES

BETWEEN PROPERTY LINE OF ADJUTING PARCEL AND ANY STRUCTURE OR DRIVING SURFACE WITHIN PROPOSED OP DEVELOPMENT (WHERE PROPOSED OP DEVELOPMENT ADJUTS EXISTING RESIDENTIAL DEVELOPMENT NOT ELIGIBLE FOR FUTURE DEVELOPMENT UNDER OP ORDINANCE)	= 200'
---	--------

BETWEEN PROPERTY LINE OF ADJUTING PARCEL AND ANY STRUCTURE OR DRIVING SURFACE WITHIN PROPOSED OP DEVELOPMENT (WHERE PROPOSED OP DEVELOPMENT ADJUTS EXISTING OP DEVELOPMENT OR LAND PARCEL ELIGIBLE FOR FUTURE DEVELOPMENT UNDER OP ORDINANCE)

	= 100'
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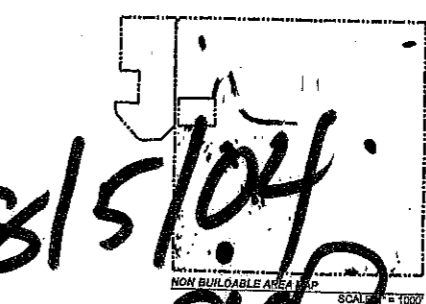
PRESERVED OPEN SPACE STANDARDS

REQUIRED PRESERVED OPEN SPACE (AT LEAST 50% OF TOTAL BUILDABLE AREA)	= 63.67 AC.
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BUILDABLE LAND AREA CALCULATIONS

SITE AREA = 172.472 AC.	
LESS DELINEATED WETLAND AREA (128,779 S.F.) = 2.90 AC.	
LESS SLOPES EQUAL TO OR GREATER THAN 25% SLOPE (103,181 S.F.) = 2.37 AC.	
TOTAL BUILDABLE AREA = 167.14 AC.	

BUILDABLE LAND AREA & DENSITY ANALYSIS/ CALCULATIONS



DENSITY CALCULATIONS:	
MAXIMUM DWELLING UNIT DENSITY SHALL BE SIXTEEN (16) UNITS PER FORTY (40) GROSS ACRES OF BUILDABLE LAND	
MAXIMUM DWELLING UNIT DENSITY:	167.14 AC. x 16 UNITS / 40 AC. = 66.86 UNITS

PROPOSED CONCEPT SITE DATA

ANALYSIS & CALCULATIONS

NUMBER OF LOTS	= 67
TOTAL LOT ACREAGE (2,975,529 S.F.)	= 68.31 AC.
TOTAL PRESERVED OPEN SPACE (63.67 AC. REQUIRED)	= 63.66 AC. + 3.11 AC. (OPEN SPACE EASEMENT) = 66.77 AC.
LINEAR FEET OF ROAD	= 15,085 L.F.
APPROXIMATE ACREAGE OF R.O.W. (789,902 S.F.)	= 18.15 AC.
APPROXIMATE PROPOSED SEPTIC TREATMENT AREA REQUIRED	= 3.50 ACRES

CONCEPTUAL SITE LAYOUT (SUBJECT TO MODIFICATION)

SENN & YOUNGDAHL
FINE BUILDERS

August 4, 2004

Mr. Chuck Dillerud
City of Lake Elmo

Dear Mr. Dillerud:

I thought it might be helpful if I summarized in writing the adjustments we have made to our original submission. I hope these adjustments will answer all the concerns expressed from our July 12 planning commission meeting and from your staff report dated July 8 2004. If there are any outstanding issues that aren't addressed here, please notify me at your earliest convenience.

1. Lots 21-24 at the northeast corner of the parcel have been adjusted so that the home structure would be 200' from the property line.
2. Lots 30-34 have been moved to create a large open space buffer between Tapestry and Hamlet on Sunfish Lake. This has been done to alleviate the concerns of the residents at Sunfish Lake.
3. All lot sizes have been adjusted to be $\frac{3}{4}$ of an acre or greater as required by Lake Elmo's OP Ordinance.
4. The geometrics at the intersection of the easement roadway to the south have been adjusted per the engineer's request.
5. By adding the road through the northern open space area, we have reduced the trips per day past lots 43, 44 and 45, or lots 1, 2, and 3 on the previous submission.

In addition to the above stated items, there are a few other issues I would like to bring to your attention. First, we currently have an excess of open space as required by the City's OP Ordinance, however, we are likely to use that up as we adjust lot sizes for our preliminary plat submission. Second, we have met with the city engineer and he approved the intent of our concept relative to the "modified rural section" approach. Finally, it is our intent to seek approval for our concept submission at the August 9 Planning Commission meeting. Therefore, if there are any other issues that you feel are still unresolved, please let me know as soon as possible.

Sincerely,


SENN & YOUNGDAHL

Danen Senn
President & Director of Design

cc: Greg Moris
Mark Youngdahl

109 E. Myrtle Street
Stillwater, Minnesota 55082
(651) 351-1450

tapestry

at charlotte's grove

a senn & youngdahl community

CONCEPT I

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introduction

As we began to consider the notion of reshaping the land at the Morris Property, we were both honored and Challenged—honored to have earned the trust of its owner and challenged with the task to leave behind a legacy to honor this family's stewardship of their land.

We all know that this land has remained relatively untouched for quite some time, except for the hands that have harvested its produce, and consequently, the process of reshaping this land deserves special attention. As this concept is presented to you, it is our hope that our commitment to design excellence in creating places of merit will be recognized.

As some of you are aware, we have worked closely with city staff members along the way to make sure our objectives are consistent with the guidelines established for the City of Lake Elmo. We are hopeful that our efforts will be recognized and also that our work will be remarkable. We are very excited about this opportunity to be involved in an open space community here in Lake Elmo and we applaud the City for its commitment to preserve its scenic rural landscape through its adoption of its open space development guidelines.

project team

developer

St. Croix Farms, LLC

651.351.1450 - Mark Youngdahl

land planner

Senn & Youngdahl

651.351.1450 - Darren Senn

design consultant

Larson Brenner Architects

651.430.0056 - Ron Brenner

primary home builder

Senn & Youngdahl

651.351.1450 - Darren Senn

project engineer

ProTerra Design Associates

651.739.8131 - Greg Moris

surveyor

Cornerstone Land Surveying

651.275.8969 - Dan Thumes

wastewater treatment

Wenck Associates, Inc.

763.479.4246 - Glenn Sanders

system

association documents

Felhaber, Larson, Fenlon & Vogt

612.373.8520 - David Eide atty.

title company

Land Title

651.351.3924 - Annette Theis

company history

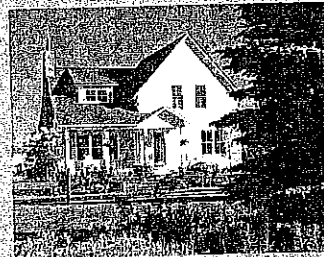
Senn & Youngdahl

The City of Lake Elmo has a very special meaning to the design and build firm of Senn & Youngdahl; for it is here where our journey began. Born of a dream to reintroduce character-filled architecture into the marketplace, Senn & Youngdahl's commitment to design excellence has been unwavering. It has also been well recognized.

The "Farmhouse" at The Fields of St. Croix set the trend in the Twin Cities market and served to introduce the most significant movement in contemporary residential architecture—the traditional neighborhood development (TND). Literally thousands of people visited us there and were inspired by this creative new direction for our market.

Thanks to the City of Lake Elmo for their commitment to sensible land use as well as the talents of the Robert Engstrom Companies, The Field's of St. Croix became recognized throughout the country for its excellence in innovation and design and consequently was the recipient of numerous awards. It has been very gratifying to be involved in such a remarkable project.

Our work at the Fields of St. Croix has been seen in various publications. In fact, the first three houses built there by Senn & Youngdahl were featured on the cover of Land Development magazine. Furthermore, the "Farmhouse" at The Fields was showcased world wide when Andersen Windows chose it to be featured in its various publications.



Since then, Senn & Youngdahl has been the recipient of numerous local and national awards including the Reggie Award, The Trillium Award, and the Best in American Living Award (BALA) which is cosponsored by the National Association of Home Builders and Professional Builder. In fact, one of our homes was runner-up for the BALA "home-of-the-year" award! In addition, our homes have been seen in numerous publications including Better Homes and Gardens, Professional Builder, and Target. We have also been closely involved with some of the Twin Cities' most innovative and well designed developments—Liberty on the Lake, in Stillwater, and Cobblestone Lake in Apple Valley. Though these two neighborhoods are substantially different than what the Moris property will become, each represents the quality of design that Senn & Youngdahl is committed to.

So what does all this mean? It means that Senn & Youngdahl's commitment to design excellence is enduring and that we intend to further broaden that commitment as we are involved in the many facets of the Moris Property.

ProTerra Design Associates

The engineering firm of ProTerra Design Associates is a multiple disciplinary firm that has a very interesting connection to the Moris Property. Greg Moris, practicing engineer, as his namesake suggests, is the grandson of the owner of the Moris Property. In fact, it was this land that served as the catalyst for Greg's interest in the field of civil engineering.

It is a privilege to work with an engineer with such strong ties to the land. We believe that these "ties" will enhance our efforts to create a legacy for the Moris Family.

general overview

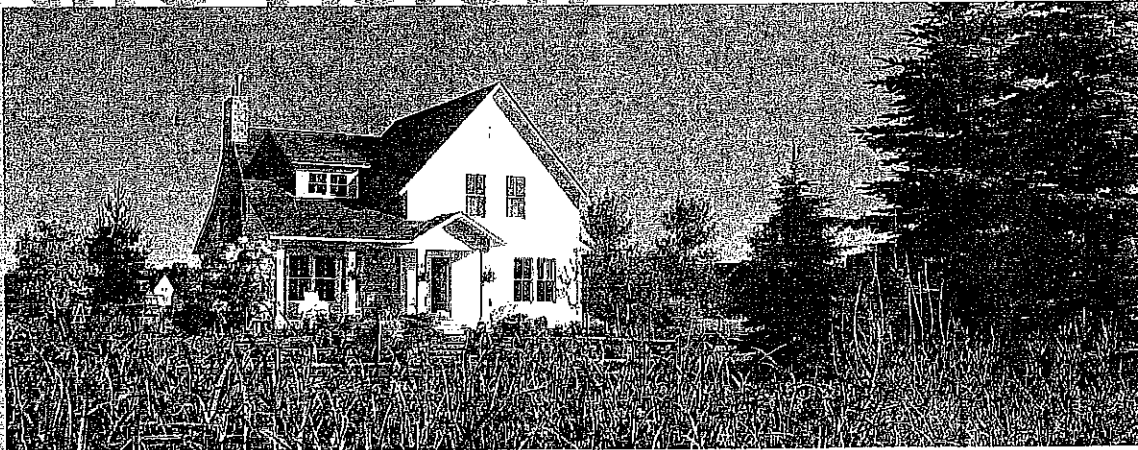
This brief general overview will give a quick glimpse into our concept. Further discussion of each of these topics will be discussed as suggested in the table of contents.

the land



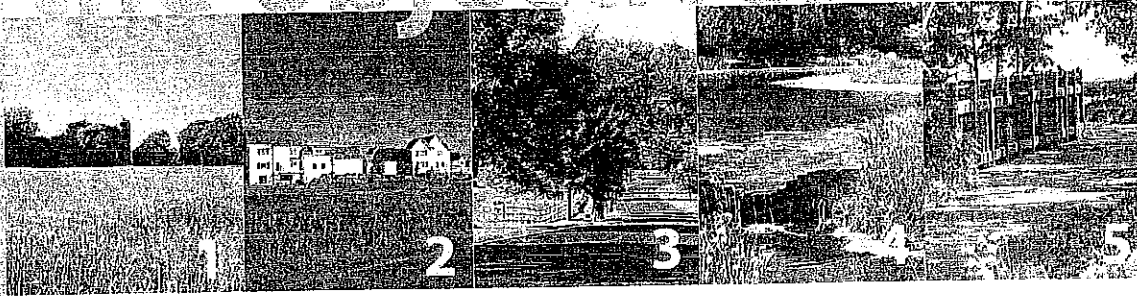
The beauty of the Moris Farm refreshes your soul. Its transforming power comes from nature's creation inspired by the hand of its Designer. Let's face it, this land, pure, simple, and uninterrupted has been around for quite a while and we respect that. That's why we're committed to be good stewards of this valuable resource while we leave a legacy in honor of its past, present and future owners.

the vision



When we first saw the Moris Farm we wondered how we can retain its natural beauty while we reshape nature's work? Our first reaction was to figure out how to build invisible houses and then...build them! Unfortunately, we had to reconsider our strategy. Our revised gameplan gave birth to several objectives which when combined will enhance our overall vision to shape the land and minimize our "footprints".

the objectives



Although not an exhaustive list, this represents a series of key goals and objectives:

1. Preserve the natural beauty of the site
2. Preserve the character of the surrounding fields
3. Integrate neighborhood into the natural landscape
4. Maximize the use of the land to provide a high quality of life
5. To create a sense of community and connection to the surrounding area



The rural landscape that Lake Elmo offers is breathtaking. In order to maintain a green corridor, we have kept the development away from 45th Street. This preserves the beauty of Lake Elmo as one travels amidst its scenic country side.



We have purposely designed our plan to reduce the impact of our homes' rear elevations not only at the entry and the public corridor but also within our new neighborhood.



By winding our street "over the hill and through the woods" our plan will allow the motorist, cyclist, and pedestrian to experience the natural beauty that the Morris property offers.

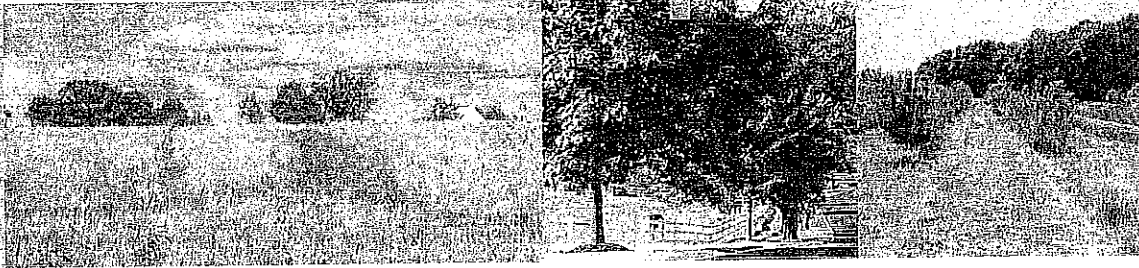


Our landscape concept will seek to combine natural elements with designed landscape in order to create a satisfying contrast. In addition, we will seek an option to make or continue to make the land productive. Simply stated, it's our intent to make the open space more than simply mowed grass.



By providing connections to a comprehensive trail system, the luxury of biking or walking into the quaint town of Lake Elmo becomes a real possibility. In addition, connecting neighborhood trail systems fosters community interaction.

the open space



Our proposed open space plan includes two major areas of interest. Open space north is dedicated to an active use consistent with the rural and agricultural heritage of Lake Elmo. Its location will also provide for a natural buffer for the neighborhood beyond. Open space south will be preserved as an expansive open meadow. These two areas will be joined as one at the center and highpoint of the land creating an effective transitional area, a common gathering place, and a spectacular place to view the open meadow.

the home



The home. The word itself conjures deep emotion in all of us. We have taken this to heart as we have worked to create a style that is as timeless as it is recognizable. The blessing of the land is the home and the blessing of the home is the land. We hope that as we tenderly blend our homes with this land, we will create something very special.

existing vegetation, trails, and open space

Existing Vegetation



The existing landscape of the property is characterized by open rolling prairie, a significant wooded area on the southwest portion of the site, and farmland separated by a dramatic east – west wooded ridge that runs from the central west side of the site to the center of the development. The entire boundary of the site is lined with mature trees of various species. Scattered throughout the site are insignificant stands of box elder and green ash and small remnant wetlands that are predominately covered with reed canary grass. The southern boundary of the property is adjacent to Sunfish Park, which is also heavily wooded.

The majority of the site is covered by open field species, including common mullein, aster, thistle, native and cultivated grasses. The southwestern portion of the site and south edge of the property are mature hardwoods such as bur oak, white oak, and red oak.

Housing pads will be carefully sited to avoid steep slopes, significant trees, and other natural amenities deemed to be significant.

Trails



One of the most valuable features of this project will be the extensive use of trails. Among the objectives that have been established for our trail system are the following:

1. create connectivity to surrounding neighborhoods and other areas of natural interest
2. enhance the ability to experience the natural beauty that surrounds the property
3. provide safety for pedestrians and other non-motorized vehicles
4. enhance the livability of the community and also foster social interaction

Trail widths will be kept to a minimum of six feet and will be constructed of bituminous material for longevity and usability.

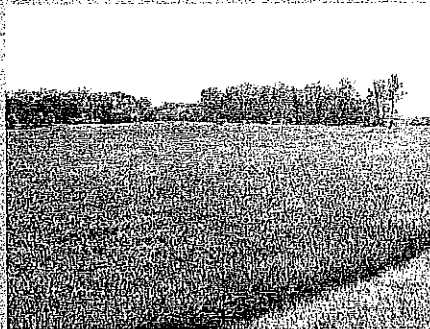
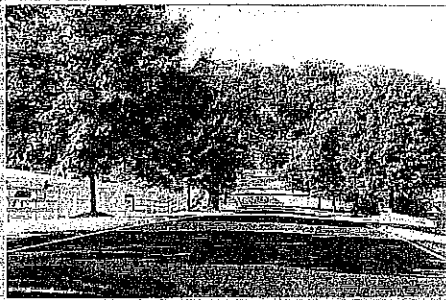
In addition to the open space within the community, The Morris property also lies adjacent to and within walking distance of the Sunfish Lake Park. It is our intention to provide pedestrian access to this incredibly scenic park. This connection is located at the southwest quadrant of the property.

Open Space

On our proposed concept plan there are essentially two major areas of open space. First, we have the northern parcel of open space which can be further divided into two parts separated by Julep Avenue. On the west side of Julep it is the intention to continue in its existing use as determined by its current owner. Currently, this is an active agricultural parcel and it would continue as such.

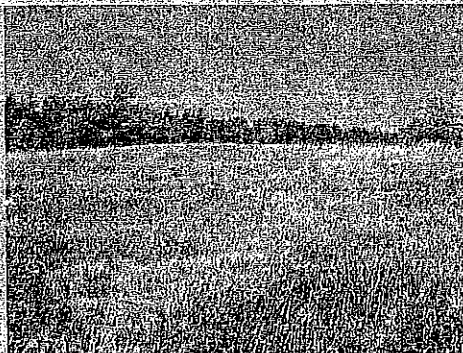
On the east side of Julep is another large open space area that we propose to be an active parcel as well. The activity would be consistent with the City of Lake Elmo's development guidelines. The placement of this open space area is consistent with one of our primary objectives and that is to reduce the impact of development adjacent to the public corridor. Various uses have been considered for this area of open space some of which are agricultural, tree farm / orchard, horse grazing area, etc. Further discussions and strategy will continue with the development of our plan. It is of primary concern to us that whatever its intended uses, that it is maintained properly through the established enforcement mechanisms of the Minnesota Land Trust and The Homeowners association.

Examples of active uses at "open space north"



The other major area of open space is located at the southern 1/2 of the property. Our intention is to maintain that as it currently exists—an open meadow. Other considerations have been native prairie or native grassland prairie.

Visual reference for "open space south"



Other photographic representation for "open space south"



It is our intention that the community shared open space will be permanently protected through conservation easement with the Minnesota Land Trust. Also, additional conservation easements will be located on individual properties in order to maintain the control of the natural character of the community along select public corridors. This conservation easement will be held by the City of Lake Elmo as noted as "Buffer Corridor open space" on sheet C1.2 included in this package.

Furthermore, the open space will be linked with the open space found at Sunfish Lake Park to form a continuous natural open space within our new community and with trail connections to other neighborhoods the expansive areas of open space can become more unified.

landscape guidelines

Community Landscape Concept

In an open space community, so much of its visual appeal depends upon the execution and maintenance of the open space areas. Our objective is to create a community landscape plan for the open space that retains its beauty in its natural and/or cultivated state. Controlled by the homeowners' association, the maintenance and care of these spaces is essential; however, with careful selection of plant material and well executed design, we hope that these open space areas will "patina" naturally over time. As we seek to fully develop our community landscape design, these foundational principles will help guide our way.

The community landscape design concept will seek to contrast the natural beauty of our open space areas with well designed and manicured areas that will be more "formal". Sharp edges of contrast will create visual interest and textural elements to the landscape. See photos below



The entry into the property will provide a sense of arrival but will also seek to be slightly understated. It is our hope that the land will speak for itself upon arrival.

Individual Lot landscape Concept

There are two distinct types of lots within the project each requiring its own set of rules that will be enforced by the Architectural Review Committee and in some cases a conservation easement.

First, home sites that are centered around the open space areas will be encouraged to set the home further from the street and maintain a landscape buffer that is consistent on both sides of the street. The driveway should be designed so that it "disappears" as it meanders toward the home. Continuous natural areas flowing through the open space will also straddle property lines in these areas which will enhance the flowing characteristics of this area. Also, to help reduce the impact of the home from the street these home sites will be pushed a good distance away from the street.

Second, home sites that are located in areas that face each other. These streetscapes will feel different because the homes will be pulled a bit closer to the street creating a more "neighborly" look and feel. It is possible that the landscape in these areas will be manicured up to the street.

architectural guidelines and style

Architectural Guidelines

Perhaps the most important aspect with this project is the necessity to create and maintain high standards in home design that will enhance the land plan and be sensitive to it. In order to maintain the high standard of design that has been paramount to Senn & Youngdahl (this projects primary builder) an Architectural Control Committee will be established and will enforce the design standards and covenants as developed by the project design team. Senn & Youngdahl will have the freedom to select builders from their preferred builder pool to be a part of this unique opportunity.

Any builder who has been approved to participate in this project will be contractually required to submit their plans for approval to the AGC. In addition, landscape plans will be required and also will be submitted to the ACC for their approval. Items to be review by the ACC will include but not necessarily limited to the following. Fences, out buildings and accessory structures, dog kennels, pools, hot tubs as well as all exterior building surfaces. A complete list of acceptable building materials will be developed.

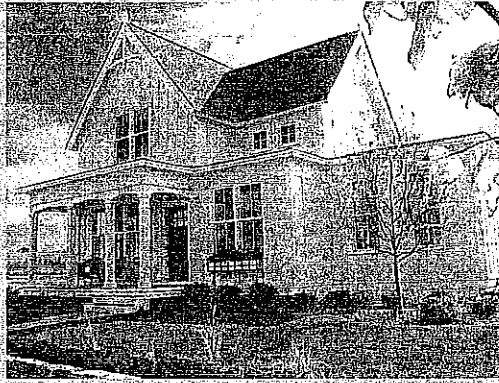
Each and every home built at this project will be subject to the AGC which shall maintain control throughout the completion of the project.

Architectural Style

At Senn & Youngdahl we have created a unique style of home that is clearly recognizable. We have worked tremendously hard to understand the details that are necessary to create homes of lasting value and thus we are confident that the following home styles will work extremely well with the land. The following list of appropriate styles is not all-encompassing, however, it will present our concept well. These pictorial examples are all home that have been built by Senn & Youngdahl. Imbedded within these pictures are houses that are an eclectic mix of style which will also be an acceptable even encouraged style within the project.



The Classic American Foursquare



The Gothic Revival Farmhouse



Modest Queen Anne Farmhouse



The Craftsman Style



The Classic American Farmhouse



The Eclectic Farmhouse



Dutch Colonial

road design, grading and storm water design

ROAD DESIGN

The roads within the subdivision are aligned such that the driver will experience the beauty of the landscape by traveling along the existing woodlands and across the rolling hills. The subtle curves in the road allow for a safe yet interesting trip as the vistas change with each turn. In certain areas, the road will be flanked by a native grass mixture to enhance the rural setting. The cross section of the roads within the project will be a modified rural section designed to meet the City's road standards. These road sections will have very shallow ditches instead of curb and gutter to transport water and provide drainage and snow storage.

GRADING AND STORM WATER DESIGN

The intent of the site grading and storm water management will be to minimize the amount of land disturbance while utilizing the existing topography to create a subtle storm water treatment system and preserving the existing landscape. This will be accomplished by using existing depressions, shallow ditches, and infiltration to minimize the need for large storm water treatment ponds. The design will take into consideration normal hydrologic design parameters and will control the runoff from the 100-year storm event to the downstream areas.

July 6, 2004

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

Re: Tapestry at Charlotte's Grove, OP Development/Concept Plan Submittal

Dear Mr. Dillerud:

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

Background

The project site lies within the several subwatersheds and drains to various landlocked basins.

- The west side of the site drains to Berchens Pond, a landlocked, Department of Natural Resources (DNR)-protected wetland within the Lake Jane subwatershed.
- The northern third of the site drains north to Clear Lake, a semi-landlocked lake.
- The southwestern portion of the site drains to City Park Pond, a landlocked, DNR-protected wetland within Sunfish Lake Park.
- The southeastern quarter of the site drains to Sunfish Lake, a landlocked lake.
- A small portion of the eastern side of the site drains to Goetschel Pond, a landlocked, DNR-protected wetland. subwatershed.

Floodplain Issues

No topographic mapping (other than the USGS map in the Wetland Delineation Report) has been submitted with the concept plan. While the site appears to lie on high ground, several small wetlands are on the site. The developer will need to calculate the 100-year flood levels of all of the basins on the site, and possibly adjacent to the site, if the adjacent basins could impact the site. Since several of the basins appear to be normally landlocked, the developer is encouraged to make detailed analyses and accurately determine the 100-year flood levels. However, in the absence of a detailed analysis, the VBWD will base its requirements upon flood levels determined using the VBWD's approximate method, discussed in Section V, Subd. 3, Item A4 of the VBWD rules and regulations.

The 100-year flood levels are used to protect homes from flooding. Adjacent to all waters of the VBWD, the Managers set the minimum building elevation at two feet above the 100-year flood elevation. The minimum building elevation for each lot will need to be noted on the grading plan.

The VBWD regulates the amount of fill that can be placed within a basin's 100-year flood boundary. The fill volume is limited so that the cumulative effect of all possible filling will not raise the 100-year flood level more than 0.1 foot. If filling is proposed, the developer will need to show that the project complies with this rule.

DAVID BUCHECK LINCOLN FETCHER DONALD SCHEEL DALE BORASH DUANE JOHNSON

www.vbwd.org

Water Quality

No stormwater runoff treatment is shown on the plans. The project will need to incorporate stormwater runoff water quality treatment measures into the design.

Water Quantity

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

- X Constructing the site so that compaction in pervious areas is prevented,
- X Requiring that soils be loosened to a depth of 24-inches to a maximum compaction of 85% standard proctor density and tilling the upper 10 inches of soils prior to planting,
- X Directing roof drains to pervious areas,
- X Using pervious areas for snow storage,
- X Planting trees that at maturity will canopy over the impervious surfaces,
- X Planting deep-rooted trees, shrubs, wildflowers, and grasses in at least 25% of the project's green space,
- X Constructing the low-volume residential roads to a maximum width of 22 feet when parking is allowed on one side and 28 feet when parking is allowed on both sides,
- X Designing the site to minimize the lengths of roadways and driveways. Consider eliminating the road between Lot 50 and Lot 56. Consider requiring that homes be built closer to the proposed roads, rather than the maximum set back. (The conceptual layouts of Lots 16, 17, 42, and 43 all show the homes to be built at the maximum set back, which creates the longest possible driveways.)
- X Requiring that long driveways be narrowed to a single lane (around 11 feet wide) as they approach the street,
- X Keeping the proposed trails as narrow as practical, and consider using porous pavement. Because a long length of trails is proposed, reducing the width by just a small amount could reduce the amount of impervious surface by a fair amount.
- X Constructing rainwater gardens and/or infiltration basins.

Wetland Issues

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

Any projects with wetland impacts take a minimum of six weeks from the time a complete permit application is submitted until a permit can be obtained. All developers proposing wetland impacts are strongly encouraged to meet with a Barr Engineering Company wetland scientist and me before a VBWD permit is submitted. We have visited the site and verified the existing wetland boundaries, but we have not seen any grading plans for the site.

Permit Requirements

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

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

Open Space

While the VBWD does not have specific rules regarding open space, I encourage the developer to work with the City of Lake Elmo to better connect the open spaces proposed on the site. This site can be part of a larger natural greenway from the Tri-Lakes, to Sunfish Lake Park, Lake Elmo Regional Park, Tartan Park, and eventually the St. Croix River. A large natural resource patch is better than a small one, and patches that are connected to one another are more valuable than isolated units. When resources are either contiguous or functionally connected by water bodies or vegetation, both plant and animal species are better able to move, which can increase opportunities for reproduction and survival in general. Larger, contiguous areas are also more likely to influence groundwater and surface water by intercepting more rainfall and facilitating more infiltration. Connectivity can be accomplished by ensuring that undeveloped areas remain contiguous and by improving the quality of dedicated open space. The proposed Lot 15 and Lot 21 appear to cause some fragmentation of the larger natural resource patch.

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

Sincerely,

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

c: David Bucheck, VBWD President
Mark Youngdahl, Developer

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

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

Applicant: St. Croix Farms, LLC

Location: South of 45th Street North/West of Keats Avenue

Requested Action: OP Concept Plan

Land Use Plan Guiding: RAD

Existing Zoning: RR

Site History and Existing Conditions:

City records regarding this 173 acre site are complex (and convoluted), but sketchy as to details. From a 1976 City consultant's staff report to the Lake Elmo Planning Commission and City Council, it appears that the owners of the majority of the site (Moris Family) platted the "Moris Addition" about that time (1976). From that document we learn that Moris had previously created one of the two parcels along (but west of) the west border of the site. In 1976 Moris added to one of those parcels, and created the second parcel west of this site, and the "Exception" parcel along the west border (and surrounded by) this site. Those division and platting actions in the 1970's created unusual access accommodations to those new parcels from 45th Street by way of easements and outlots. The technical details of those arrangements – as they impact this Concept Plan – have been reviewed by the City Attorney. It appears that access to the subject site can be accomplished by a Public Roadway, as proposed.

Discussion and Analysis:

The applicant proposes an OP Concept of 67 home sites on a site of 172 gross acres (167 Buildable Acres). Responsive to the OP Preserved Open Space requirements the applicant also proposes 92.08 acres of Preserved Open Space. While we have not located evidence as to whether any unbuildable site area is included in the 92 acres, the proposed Preserved Open Space area is 8.5 acres over the minimum requirement, and the sum of unbuildable area on the site is but 5.3 acres. It will make no difference if unbuildable area is within the total Preserved Open Space calculation.

Our review of the Concept for compliance with OP Standards reveals the following:

1. The applicant proposes a 200 foot OP buffer to the north; and, 100 foot OP buffers to the east and south. Since most of the east boundary of the site abuts the Hamlet on Sunfish Lake OP site, a 100 foot buffer with adequate year-round landscape screening is compliant with OP standards. The north 350 feet of the east boundary of the site does not abut the Hamlet, and should provide the full 200 foot buffer. The applicant is aware of this inconsistency, and has indicated that a modification will be made to accommodate the full 200 foot buffer.
2. The applicant proposes a 100 foot OP buffer to the south. Here the situation approximates that of Whistling Valley and the Regional Park neighboring parcel, where only a 100 foot

buffer was required since no homes will be constructed on the Park property. With the entire south line of this site abutting Sunfish Park, the same 100 foot buffering requirement appears in order.

3. The proposed lot areas for the 11 lots in the encircled block of the southeast portion of the site all fall below the .75 acre minimum for an OP project on a community wastewater system. The applicant is aware of that, and has advised staff that they will seek a 4/5 OP variance for those lot sizes at that location.
4. The plan text proposes use of a “modified rural cross section” street design. Staff has advised the applicants that “rural cross section streets” are now prohibited by the OP Ordinance based on the City’s experience with that design in the Parkview Ridge OP. That experience has been a string of homeowner grading permits to fill the “ditch” with a culvert and filled grade to the street – destroying the rural character aspects of the cross section and the natural street drainage intent. We have advised the applicant that it could apply for a 4/5 OP Variance to incorporate their “modified rural section”, but they would have to convince staff and the City Engineer that the intent will not be compromised by individual property owners that want to have flat, manicured yards to the street.

We have been advised that the applicant has met with adjacent property owners on two occasions to review the Concept Plan and solicit comments/suggestions. We have attached the written comments of a couple of those adjacent property owners. We expect the Public Hearing will result in additional commentary/observations/suggestions.

In a parallel process that is not related to this OP design or density the City is considering a potential arrangement with the developer that will involve sale of the City-owned 15+ acre north of 45th Street. Should that transaction not take place, we would expect the “Berschens Conservation Easement” portion of the OP to be deleted, along with 6 of the 67 lots proposed.

Comments we have received on the Concept from DNR reference the 1,000 foot Shoreland Overlay impact on a portion this site by way of proximity to Sunfish Lake. We observe, however, that a clause in the Lake Elmo Shoreland Standards appears to exempt Shoreland applicability where there is topographic division between the lake and the site – which we believe exists with this site.

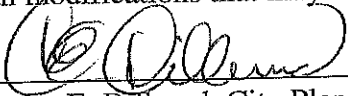
No written City Engineer’s comments are available as of “press time for this Report. We have heard verbally from the City Engineer, however, that he has concern with the “modified rural section streets”, but he is willing to consider the applicant’s details before rendering a final recommendation. He has also expressed concern with the geometrics of the intersection of the easement roadway to the south with the Concept’s entrance road.

Findings and Recommendations:

Were we to suggest Findings at this point we would have to suggest the Concept Plan, as presented, fails to comply with the OP Standards – even assuming the 4/5 OP Variance proposals. We have advised the applicant of this, and of the comments/observations we have received from adjacent property owner to date. We have suggested that this Concept is sufficiently unique (positively unique in most respects) in design and sizable in scale that it may be prudent to conduct the Public Hearing and hear the comments of the Commission prior to making modifications to the Plan per the above Staff observations and those adjacent property owner comments/observations we have received to date.

Planning Commission Actions Requested:

We have not prepared a recommended action in that we anticipate the applicant will request a tabling for two weeks to address the Staff, Hearing and Commission testimony, and address the Plan modifications that may result.



Charles E. Dillerud, City Planner

Attachments:

1. Location Map
2. DNR Comments
3. Letters Received
4. Applicant's Documentation

Lake Elmo City Council August 17, 2004	Agenda Section: CITY ADMINISTRATOR'S REPORT	<u>No. 11. A</u>
<u>Agenda Item: Hwy 5</u>		
<p><u>Background Information for August 17, 2004:</u></p> <p>The Administrator, City Planner and City Engineer met with engineering representatives of Washington County Engineering and the Minnesota Department of Transportation. The following items were discussed:</p> <ul style="list-style-type: none"> • Long term planning, construction implementation and ownership of Hwy 5, • Safety issues to be addressed with short term planned maintenance activities; subject to funding, • And the development of alternate traffic routing and shared funding plans in the future. <p>MN DOT discussed the Mill/Overlay project scheduled for September 04 and no possibility (funding) for changes at this time. They also identified other maintenance and safety related upgrades scheduled for the future; pending funding.</p> <p>The group will meet in two weeks to review a planning partnership concept that could act as the catalyst in the development of a shelf plan to establish a position for funding.</p>		
<p><u>Action Items:</u></p> <p>Report to Council only</p>	<p><u>Person responsible:</u></p> <p>Martin Rafferty</p>	
<p><u>Attachments:</u></p>		

<p>Lake Elmo City Council August 17, 2004</p>	<p>Agenda Section: CITY ADMINISTRATOR'S REPORT</p>	<p><u>No. 11. B</u></p>
<p><u>Agenda Item:</u> Mutual Aid for Fire for St. Croix Valley and Hudson Fire Service</p>		
<p><u>Background Information for August 17, 2004:</u></p> <p>Attached you will find an agreement for the Lake Elmo Fire Department to provide Mutual Aid to the St Croix Valley and Hudson Fire Departments. These agreements are key to the area wide response to emergency situations.</p> <p>The agreement has been reviewed by the City Attorney, the Fire Chief and myself. I recommend we move forward and sign the agreement.</p>		
<p><u>Action Items:</u></p> <p>Motion for Mayor, City Administrator and Fire Chief to sign Mutual Aid Agreement with St. Croix Valley and Hudson Fire Service.</p>	<p><u>Person responsible:</u></p> <p>Martin Rafferty</p>	
<p><u>Attachments:</u></p> <p>Mutual Aid Agreement: St Croix and Hudson Fire Service</p>		

**ST. CROIX VALLEY
FIRE SERVICE AGREEMENT**

INCLUSIVE OF: LAKE ELMO MINNESOTA

AND

CITY OF HUDSON WISCONSIN

THIS AGREEMENT is made pursuant to Minnesota Statutes and Wisconsin Statutes which authorize the joint and cooperative exercise of powers common to contracting parties in other states. The intent of this Agreement is to make fire service equipment, personnel and other related resources available to political subdivisions from other political subdivisions.

1. Definitions.

- a. "Party" means a political subdivision.
- b. "Requesting Official" means the person designated by a Party who is responsible for requesting Assistance from other Parties.
- c. "Requesting Party" means a party that requests assistance from other parties.
- d. "Responding Official" means the person designated by a party who is responsible to determine whether and to what extent that party should provide assistance to a Requesting Party.
- e. "Responding Party" means a party that provides assistance to a Requesting Party.
- f. "Assistance" means fire and/or emergency medical services personnel and equipment.

2. Request for Assistance.

Whenever, in the opinion of a Requesting Official, there is a need for assistance from other parties, the Requesting Official may call upon the Responding Official of any other party to furnish assistance.

3. Response to Request.

Upon the request for assistance from a Requesting Party, the Responding Official may authorize and direct a party's personnel to provide assistance to the Requesting Party. This decision will be made after considering the needs of the responding party and the availability of resources.

4. Recall of Assistance.

The Responding Official may at any time recall the assistance when in their best judgment or by an order from the governing body of the Responding Party, it is considered to be in the best interests of the Responding Party to do so.

5. Command of Scene.

The Requesting Party will be in command of the mutual aid scene. The personnel and equipment of the Responding Party will be under the direction and control of the Requesting Party until the Responding Official withdraws assistance.

6. Workers' Compensation.

Each party is responsible for injuries or death of its own personnel. Each party will maintain workers' compensation insurance or self-insurance coverage, covering its own personnel while they are providing assistance pursuant to this agreement. Each party waives the right to sue any other party for any workers' compensation benefits paid to its own employee or volunteer or their dependants, even if the injuries were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

7. Damage to Equipment.

Each party is responsible for damages to or loss of its own equipment. Each party waives the right to sue any other party for any damages to or loss of its equipment, even if the damages or losses were caused wholly or partially by the negligence of any other party or its officers, employees, or volunteers.

8. Liability.

Personnel acting under this Agreement may not be considered, for liability purposes, as an employee or agent of the other state or a political subdivision of the other state for their actions, regardless of the supervision or control of the person's actions while within the other state. All personnel will be considered as continuing to be employees of the employing agency in the person's home state.

Except as provided below, any person acting under this Agreement must continue to be covered by their employing agency for purposes of civil liability purposes in their home state. Any personnel acting within the other state under this Agreement is considered while so acting to be in the ordinary course of their employment within their home state and to be protected by any statutory immunity from liability and limits of liability enjoyed in their home state..

In addition to home state immunity from liability or immunity from limits of liability, any personnel acting under this Agreement in the other state are also entitled to any immunity from liability or limit on liability to the same extent as a person of the other state. If however, a claim is made in Minnesota for an occurrence in Minnesota against a Wisconsin party, Lake Elmo Fire Department agrees to defend and indemnify the Wisconsin party for claims that exceed the Wisconsin parties' statutory limits of liability, subject to the limitations on municipal tort liability enjoyed by Lake Elmo Fire Department, and to the extent of Lake Elmo's liability insurance coverage.

9. Charges to the Requesting Party.

- a. No charges will be levied by a Responding Party to this agreement for assistance rendered to a Requesting Party under the terms of this agreement unless that assistance continues for a period of more than 12 hours. If assistance provided under this agreement continues for more than 12 hours, the Responding Party will submit to the Requesting Party an itemized bill for the actual cost of any assistance provided after the

initial 12 hour period, including salaries, overtime, materials and supplies and other necessary expenses; and the Requesting Party will reimburse the party providing the assistance for that amount.

- b. Any charges are not contingent upon the availability of federal or state government funds.

10. Duration.

This Agreement will be in force for a period of three (3) years from the date of execution. Any party may withdraw from this Agreement upon thirty (30) days written notice to the other party or parties to the Agreement.

11. Execution.

Each party hereto has read, agreed to and executed this Mutual Aid Agreement on the date indicated. Each party to this Agreement shall maintain an executed copy of this Agreement.

IN WITNESS WHEREOF, the undersigned, on behalf of their political subdivision or their fire department corporation has executed this agreement on this date.

Dated: _____, 2003

CITY OF LAKE ELMO

_____, its Mayor

_____, its City Clerk

CITY OF HUDSON

_____, its Mayor

_____, its Manager or Clerk

LAKE ELMO FIRE DEPARTMENT

_____, its Fire Chief

_____, its Secretary

HUDSON FIRE DEPARTMENT

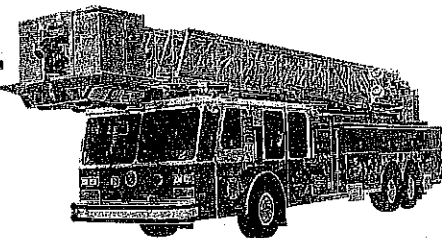
_____, its Fire Chief

_____, its Secretary



HUDSON FIRE DEPARTMENT

222 WALNUT STREET
HUDSON, WISCONSIN 54016
715-386-5861



December 9, 2003

Lake Elmo Fire Department
Attn: Greg Malmquist
3510 Laverne Ave. N.
Lake Elmo, MN 55042-4860

Dear Greg Malmquist,

The Hudson Fire Department was unable to participate in the Capitol City Mutual Aid agreement and wishes to keep a mutual aid relationship with your department. Enclosed you will find a mutual aid agreement we have with other Minnesota agencies. Please review the agreement and contact us with any comments that you have. Our city attorney is Catherine Munkittrick she can be reached at 715-425-7281, if you or your city attorney would have any questions about the agreement.

Sincerely,

Jim Frye
Chief
Hudson Fire Department

JIM FRYE
JEFF DABRUZZI
DAN ROEGLIN
BILL WANNER
DAN SMITH
DAVE KRUPICH
PAUL JENSEN
TOM ZEULI

-FIRE CHIEF
-1st ASSISTANT CHIEF
-2nd ASSISTANT CHIEF
-CAPTAIN
-CAPTAIN
-FIRE INSPECTOR
-TREASURER
-SECRETARY

Lake Elmo City Council August 17, 2004	Agenda Section: CITY ADMINISTRATOR'S REPORT	<u>No. 11. C</u>
<u>Agenda Item:</u> Disposal of Fire Equipment to a Minnesota Fire Department		
<p><u>Background Information for August 17, 2004:</u></p> <p>The Lake Elmo Fire Chief has been in contact with a small Fire Department in northern Minnesota pertaining to their existing Air Pack protection equipment. In that discussion it was discovered their (northern city) equipment was several generations (older) behind the existing LE Fire Department equipment that has now become surplus to Lake Elmo Fire, as we have received federal dollars to replace all of our Air Pack equipment. Our new equipment is now in place.</p> <p>It is proposed that the City of Lake Elmo Fire Department donate our surplus Air Pack equipment to a smaller Minnesota City for their Fire Department use.</p> <p>The City of Lake Elmo would transfer the equipment to the receiving City upon receipt of an approved City Council Resolution accepting the equipment transfer and acknowledging Lake Elmo does not warranty the condition and is removed from liability for its future use.</p>		
<p><u>Action Items:</u></p> <p>Motion for Mayor, City Administrator and Fire Chief to sign an agreement to transfer outdated surplus Air Pack equipment to receiving city.</p>	<p><u>Person responsible:</u></p> <p>Martin Rafferty</p>	
<p><u>Attachments:</u></p>		

<p>Lake Elmo City Council August 17, 2004</p>	<p>Agenda Section: CITY ADMINISTRATOR'S REPORT</p>	<p><u>No. 11. D</u></p>
<p>Agenda Item: Modification to Dog Ordinance</p>		
<p><u>Background Information for August 17, 2004:</u></p> <p>The Community Improvement Committee (CIC) has studied the current Ordinance regulating restraint of dogs.</p> <p>Upon study and review the CIC has recommended that a minor change to the dog ordinance be adopted. The change proposed requires that a dog owner employ an active restraint system if the dog is left outside and the owner(s) are not at home. The FLLP Council Committee has recommended the change be made to the current ordinance.</p>		
<p><u>Action Items:</u></p> <p>Resolution adopting a modification to the Dog Ordinance requiring an active restraint of a dog; if the animal is left out side when the owner is not at home.</p>	<p><u>Person responsible:</u></p> <p>Martin Rafferty</p>	
<p><u>Attachments:</u></p> <p>Ordinance modification at Council</p>		

End of Year Report 2003

City of Lake Elmo

Animal Control

	2003	2004
Total Number of calls Received	145	81
Total Calls Requiring response	124	72
Total Calls handled over the phone or With only a warning letter	21	09
Total Viscous Dog Calls	01	02
Total Number of dogs picked up	46	20
Total Number of Cats picked up	57	39
Total Number of Pick ups with collar and Identification tags on (dogs only)	09	07
Total Number of picks ups with collars only (Dogs only)	16	07
Total Number of dogs picked up wearing Invisible fence collars	04	04

Submitted by:

Kathi Pelnar CVT, CHI
Animal Warden

Lake Elmo City Council August 17, 2004	Agenda Section: CITY ADMINISTRATOR'S REPORT	<u>No. 11. E.</u>
<u>Agenda Item: Purchase Property at 3585 Laverne Avenue</u>		
<p><u>Background Information for August 17, 2004:</u></p> <p>The property in question is contiguous to the Lions ball field. It is the only residential property remaining on that specific block. It is also contiguous to an optional location for the new city hall, PW and optional fire station.</p> <p>The owner was preparing to sell his house and became aware, via TV, of the optional location for city facilities. He approached me to discuss the possibility. I informed the owner of the city plans to locate city facilities and our potential interest in the location.</p> <p>He is a willing seller, as he is relocating at this time, and desires an arrangement with the city if the city has an interest.</p> <p>I recommend the purchase of the property to serve the public interest and need.</p>		
<p><u>Action Items:</u></p> <p>Resolution authorizing the Mayor and City Administrator to complete a purchase agreement and purchase of the property located at 3585 Laverne Avenue</p>	<p><u>Person responsible:</u></p> <p>Martin Rafferty</p>	
<p><u>Attachments:</u></p>		



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League of Minnesota Cities

145 University Avenue West, St. Paul, MN 55103-2044
(651) 281-1200 • (800) 925-1122
Fax: (651) 281-1299 • TDD: (651) 281-1290
www.lmnc.org

RECEIVED

AUG 10 2004

TO: City Clerks, Administrators and Managers
FROM: Jim Miller, Executive Director
DATE: August 9, 2004
SUBJECT: Board of Directors Vacancies

At the Annual Meeting in Duluth on October 11th, the membership will elect four new members to the Board of Directors. These officials will replace: Minnetonka Councilmember Terry Schneider whose three-year term will expire; the two-year term of Alexandria Mayor Dan Ness, who was elected to fill the unexpired term of Reggie Edwards who left city employment; and the one-year term of Duluth Chief Administrative Officer Mark Winson, who was elected to fill the unexpired term of Bonnie Rietz when she was elected to 2nd Vice President. In accordance with the Board adopted Selection Criteria, Winson is eligible to apply for his own three-year term. St. Paul Councilmember Chris Coleman's three-year term also expires, however, Coleman did not run for re-election this past November, therefore his eligibility to serve on the LMC Board terminated January 1, 2004. Pursuant to the LMC Constitution, the LMC Board appointed St. Paul Councilmember Dan Bostrom at the recommendation of the City of St. Paul to fill Coleman's term until the Annual Meeting in October at which time he must go before the Nominating Committee and be elected by the membership to his own three-year term.

The League's strength has always been rooted in the Board's outstanding leadership. Continuing that tradition is critical as the League looks to meeting the ever-changing challenges facing our cities. If you or someone on your Council has an interest in serving on the Board, please apply now. Terms are for three years and service involves attendance at monthly Board meetings and one or two, two-day, retreats. The League pays for most expenses, including mileage.

A roster of current Board members, an application form and the Board Nominating Process and Selection Criteria are enclosed. I would be most happy to answer any questions and can be reached at 651-281-1205.

Thank you for your help in this very important matter.

**League of Minnesota Cities Board of Directors
June 2003 – October 2004**

PRESIDENT

Mark Voxland, Mayor
City of Moorhead
4535 4 St S
Moorhead, MN 56560
VoxM@aol.com

FIRST VICE PRESIDENT

Judy Johnson, Mayor
City of Plymouth
4600 Jewel Lane
Plymouth MN 55446
jjohnson@ci.plymouth.mn.us

SECOND VICE PRESIDENT

Bonnie Rietz, Mayor
City of Austin
500 NE 4th Avenue
Austin, MN 55912
brietz@ci.austin.mn.us

DIRECTORS

Dan Bostrom, Councilmember
City of St. Paul
Room 310 B, City Hall
15 West Kellogg Blvd.
St. Paul, MN 55102
dan.bostrom@ci.stpaul.mn.us

Mary Hamann-Roland, Mayor
City of Apple Valley
7100 West 147th Street
Apple Valley, MN 55124
info@ci.apple-valley.mn.us

Brenda Johnson, Councilmember
City of Chatfield
322 Winona Street SE
Chatfield, MN 55923
brenda.johnson@attglobal.net

Steve Larson, Mayor
City of New Brighton
2150 Erin Court
New Brighton, MN 55112
stevenlarson1@comcast.net

Ray Melander, Mayor
City of Nevis
P.O. Box 214
Nevis, MN 56467
melander@eot.com

H. Dan Ness, Mayor
City of Alexandria
4110 Minnesota Street, Ste. B
Alexandria, MN 56308
nesshd@rea-alp.com (Work)
arsiness@rea-alp.com (Home)

Nelda Remus, City Clerk
City of Zimmerman
12980 Fremont Ave.
Zimmerman, MN 55398
nremus@shertel.net

Sandra Colvin Roy, Councilmember
City of Minneapolis
350 S. 5th Street, Rm 307
Minneapolis, MN 55415
Sandra.colvin.roy@ci.minneapolis.mn.us

Mark Sather, City Manager
City of White Bear Lake
4701 Hwy. 61 N.
White Bear Lake, MN 55110
msather@whitebearlake.org

Terry Schneider, Councilmember
City of Minnetonka
15333 Boulder Creek Drive
Minnetonka, MN 55345
terryschn@qwest.net

Jeffrey Weldon, Administrator
City of Redwood Falls
P.O. Box 10
Redwood Falls, MN 56283
jweldon@ci.redwood-falls.mn.us

Mark Winson, Chief Admin. Officer
City of Duluth
402 City Hall
411 W. 1st Street
Duluth, MN 55802
mwinson@ci.duluth.mn.us

EX-OFFICIO MEMBERS

Past President
Michael McCauley, City Manager
City of Brooklyn Center
6301 Shingle Creek Parkway
Brooklyn Center, MN 55430-2199
mmccauley@ci.brooklyn-center.mn.us

AMM President

Jim Smith, Councilmember
City of Independence
3858 Independence Road
Maple Plain, MN 55359
jimsmith@mchsi.com

NLC REPRESENTATIVES

(Non-Voting Members)
Del Haag, Councilmember
City of Buffalo
714 NW 9th Street
Buffalo, MN 55313
delhaag@msn.com

Les Heitke, Mayor
City of Willmar
333 SW 6th St
P.O. Box 755
Willmar, MN 56201
lheitke@ci.willmar.mn.us

It is possible that the selection criteria below may change based on the LMC Board of Directors' discussion of governance issues in late September. If this occurs, revised selection criteria will be sent to you in advance of the Annual Conference. The following selection criteria has been used in previous years, however, we have changed the dates to correspond with the Annual Conference dates.

Board Nominating Process and Selection Criteria

I. Board nomination process.

A. Nominating Committee Appointment and Orientation Process.

1. Beginning in August of every year the League will solicit individuals interested in serving on the nominating committee. Notice of solicitation of interest shall be placed in Cities Bulletin at least twice. When necessary in order to get a sufficient number on the committee, or to achieve appropriate balance, the Executive Director may directly solicit city officials to be on the committee.
2. On or before September 15 of each year the League President shall appoint a nominating committee of 8 to 12 city officials, consisting of both elected and appointed officials with appropriate attention paid to issues such as gender, city size, and geography. The immediate past president of the Board of Directors will sit as an ex-officio member of the Committee and shall be its Chair.
3. At least one week prior to the annual conference, the Executive Director shall hold an orientation meeting of the nominating committee in order to explain the nominating committee process and to explain the Board selection criteria.

B. Recruitment and Nomination Process

1. Beginning in August of each year the League will solicit Minnesota city officials interested in serving on the League of Minnesota Cities Board of Directors. Notice of Board openings and solicitation of interest shall be placed in the August Minnesota Cities Magazine and shall run at least twice in the Cities Bulletin. In addition, prior to September 1 of each year, the Executive Director shall mail to the chief administrative officer of each member city a letter soliciting Board candidates and explaining the process and selection criteria.

2. All candidates who wish to be considered by the nominating committee must submit an appropriate written expression of interest by September 24th. Additional material in support of particular candidates may be submitted up to the date of the nominating committee meeting.
3. Once the list of Board candidates has been compiled, the Executive Director in conjunction with the nominating committee chair shall develop an agenda and a schedule of interview times.
4. After considering the presentations of the various candidates, the nominating committee shall make its recommendations based on the requirements of the League Constitution and the Guidelines set out herein.
5. In order to avoid the appearance of a conflict of interest, nominating committee members should refrain from participating in discussions involving candidates from cities that they represent.
6. Notice of the nominating committee's recommendations shall be posted at a predetermined time in at least two locations at the annual conference site. The location of the postings shall be included in the material provided to conference attendees and shall be directly communicated to prospective candidates.
7. The Chair of the nominating committee shall be responsible for presenting the report of the nominating committee at the Annual business meeting.

II. Board selection requirements and guidelines.

A. Constitutional Requirements.

1. The League Constitution requires that the Board of Directors shall consist of an "elected president, an elected first vice president, an elected second vice president, the immediate past president ex-officio, the president of the Association of Metropolitan Municipalities ex-officio, the president or vice president of the National League of Cities, if a Minnesota City official, ex-officio, and twelve directors."
2. "To be eligible to be elected to serve, or to continue to serve as an elective officer of the League, a person shall be an elected official or an appointed employee."

3. The Board of Director shall include individuals recommended by each of the following groups or entities: the city of Minneapolis, the city of St. Paul, the Minnesota Association of Small Cities, and the Coalition of Greater Minnesota Cities. Individuals recommended by these groups shall go through the Board election process.
4. Except for ex-officio seats, no city may have more than one representative on the Board at any given time.

B. Non-binding Guidelines for the Nominating Committee to Consider

1. Geography
 - a. The nominating committee will attempt to respect an appropriate balance of representation between Greater Minnesota and the Metropolitan area.
 - b. In this same regard, the Committee will strive to maintain a similar balance when making recommendations for the president, first vice-president, and second vice-president positions.
 - c. No particular importance will be placed on where within Greater Minnesota or the Metropolitan area a given candidate comes from.
2. Population.
 - a. Board members should come from cities of differing size.
3. Gender
 - a. Every effort should be made to ensure gender equity on the Board.
4. Position (Appointed v. Elected)
 - a. A majority of the Board should be elected city officials.
5. Term
 - a. Where there are other qualified candidates, Board members should generally serve only one term.
 - b. An individual appointed to fill an unexpired Board term will not be prejudiced by this guideline so long as the unexpired term was for one year or less.

**Application for
2004-05 LMC Board of Directors or
2004-05 LMC Officer Positions**

All candidates for LMC Board of Directors or LMC Officers (President, First Vice President, Second Vice President) positions are asked to submit the following items by September 24, 2004.

- 1) **A cover letter stating your intent to run for an LMC Board or Officer position, addressing the following points:**
 - Why you are interested in serving in this position;
 - What specific attributes or experiences you would contribute to the Board or Executive Committee (made up of the LMC Officers); and
 - Whether you will be able to make the time commitment necessary to fulfill your Board or Officer duties (monthly Board meetings, as well as two, two-day retreats).
- 2) **A completed "Nomination Form for LMC Board of Directors/LMC Officers Positions" (attached).**
- 3) ***Optional:*** A resume that provides an overview of your municipal/professional experience and accomplishments.
- 4) ***Optional:*** Letters of reference.

Note: The LMC Board of Directors expects to create job descriptions for director and officer positions in early October, immediately in advance of the Annual Conference. Upon completion, the appropriate job description will be sent to you.

Please return these materials by September 24, 2004 to:

Donyelle Mikacevich
League of Minnesota Cities
145 University Avenue West
St. Paul, MN 55103-2044

Nomination Form – LMC Board of Directors

PLEASE COMPLETE THE NOMINATION FORM PROVIDING AS MANY DETAILS AS POSSIBLE. You are encouraged to attach other materials that may be useful to the Nominating Committee during its deliberations, such as your resume and a letter stating your reasons for seeking a League office.

Name: _____ Title: _____

Organization: _____

Address: _____ City/Zip: _____

Home Phone: () _____ Work Phone: () _____ E-mail: _____

1. Length of service in your present position: _____ years

2. Other municipal or related position(s) you have held and the number of years:

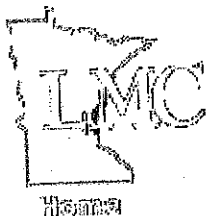
3. Previous League experience (e.g. committees, conferences, affiliate organizations, etc.)

4. Are you applying for (Please select one)
President _____ 1st Vice President _____ 2nd Vice President _____ Director _____

5. If you are applying for Director, can you complete a full three-year term as a Board member? _____

PLEASE RETURN THIS FORM BY **September 24, 2004** TO:
Donyelle Mikacevich
League of Minnesota Cities
145 University Avenue West
St. Paul, MN 55103-2044

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Conferences

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LMC 2004 Annual Conference Exhibitor Information

Register today for Minnesota's most popular event for city officials

Show hundreds of key city decision-makers--mayors, city managers, councilmembers, administrators, and department heads--how your products or services can benefit their communities. Meet the people who make it happen in Minnesota cities. Participate in the 2004 Annual Conference & Marketplace, Oct. 10-12 in Duluth, to:

- Reach an exclusive audience at the biggest event for city officials.
- Get a high-visibility, high-traffic booth.
- Boost your visibility by advertising in the conference program and donating a door prize.
- Enhance your presence by becoming an LMC Business Partner
(deadline: Aug. 2)
- Receive conference-rate housing at the Holiday Inn Hotel & Suites **(deadline: Aug. 20)**
- Receive a reduced rate by registering early **(deadline: Aug. 27)**

Take your investment a long way

The League of Minnesota Cities is a statewide, nonprofit organization that represents more than 800 cities. We work on behalf of cities to provide expertise and information through cooperation with our strong network of members. The League helps you reach our exclusive audience of city officials. With 90 years of experience, we're a trusted resource for cities on local government issues. Our publications, web site, and various conferences and training events give city officials and staff the information they need.

We're the trusted partner you need to introduce your company, products, services to our members. Our relationship with member cities makes your marketing dollars go farther.

Conference Details:

Find out all the details of how to participate in the LMC 2004 Annual

2004 LMC Annual Conference & Marketplace

At A Glance

Sunday, October 10

- 11 a.m. **Registration**
- 11 a.m. **Marketplace Grand Opening**
- 11 a.m.-7 p.m. **Marketplace open**
- 1 p.m. **Opening Keynote: Gwen Ifill**
- 2:30-3:45 p.m. **Concurrent Sessions I**
- 4 p.m. **Legislative Preview & Policy Development**
- 5:30 p.m. **Oktoberfest Marketplace & First Door Prize Drawing**
- 7 p.m. **City Night Oktoberfest**

Monday, October 11

- 7 a.m. **Registration opens**
- 7 a.m. **Sunrise at Marketplace**
- 7-11 a.m. **Marketplace open**
- 8:30-9:45 a.m. **Concurrent Sessions II**
- 10 a.m. **Marketplace Grand Finale & Second Door Prize Drawing**
- 10:45 a.m. **2004 Cities Forum: One Minnesota -- Exploring Common Ground**
- 12:15 p.m. **Mayors' Association Luncheon & LMC Annual Meeting**
- 2:30-4:30 p.m. **Concurrent Sessions III**
- 6 p.m. **LMC Reception & Awards Banquet**

Tuesday, October 12

- 7:30 a.m. **Continental Breakfast & City Achievement Awards**
- 9:30-10:45
a.m. **Concurrent Sessions IV**
- 11 a.m. **Community Luncheon & Finale Keynote: Marcia Doty**

[Back to LMC 2004 Annual Conference & Marketplace page](#)

Conference & Marketplace:

- Download the Exhibitor Application (pdf)
- Dates, Location & Fees
- Exhibit Logistics, Floor Plan & Events
- Housing Options
(reserve by Aug. 20 to receive conference-rate lodging at Holiday Inn Hotel & Suites)
- Three Ways to Boost Your Marketing Dollar
(Sponsor the Annual Conference; Donate a Door Prize & Advertise in the Conference Program)

Host City Information:

- Visit the city of Duluth web site.
- Visit the Duluth Convention & Visitors Bureau web site.

Questions?

- **Exhibiting questions:** Cathy Dovidio
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