

File

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

Lake Elmo City Council

Tuesday

October 19, 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

October 5, 2004

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

A. Cable Commission: Jennie Holder

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. 2004-089: Approve claims

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

5. **FINANCE:**

A. Resolution No. 2004-090: Bond Sales

B. Monthly Operating Report-
Informational

C. City Audit

6. **NEW BUSINESS**

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

A.

<p>8. CITY ENGINEER'S REPORT: A.</p>	<p>Tom Prew</p>	
<p>9. PLANNING, LAND USE & ZONING: A. Leave of Absence Request: Planning Commission Member B. Resolution No. 2004-091: Lot Area Variances/Minor Subdivision – Tauer/Pechan C. Fence Ordinance Amendments D. Traffic Signal – Keats/I-94 N. Ramps</p>	<p>C. Dillerud</p>	
<p>10. CITY ATTORNEY'S REPORT:</p>		
<p>11. CITY ADMINISTRATOR'S REPORT: A. Holiday Lights</p>		
<p>12. CITY COUNCIL REPORTS: A. Mayor Hunt B. Council Member DeLapp C. Council Member Dunn D. Council Member Johnston E. Council Member John</p>		
<p>Environmental Commission: October 27, 7 p.m.</p>	<p>GENERAL ELECTION: November 2, 2004 Polls open 7:00 a.m. to 8:00 p.m. RESCHEDULED COUNCIL MEETING: Wednesday, November 3, 2004, 7 p.m.</p>	

LAKE ELMO CITY COUNCIL MINUTES

OCTOBER 5, 2004

1. AGENDA
2. MINUTES: September 21, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Inquiries
4. CONSENT AGENDA:
 - A. Resolution No. 2004-083: Approve claims
 - B. Parks Commission Appointment
 - C. Hire Public Works Employee
5. FINANCE:
 - A. PUBLIC HEARING: Assessments for proposed Unpaid Municipal Utilities, Resolution No. 2004-084
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
8. CITY ENGINEER'S REPORT:
 - A. PUBLIC HEARING: 55th Street Vacation, Resolution No. 2004-085
 - B. Escrow Reduction: Whistling Valley Phase 1
9. PLANNING, LAND USE & ZONING:
 - A. Amateur Radio Tower Permit – Smith/Holm
 - B. Resolution No. 2004-086: Tapestry at Charlotte's Grove Preliminary Plat, OP Stage Plan, CUP
 - C. Resolution No. 2004-087: Comprehensive Plan Amendment – Inwood Associates
 - D. Resolution No. 2004-088: Variance from Sideyard Setback, 3385 Lake Elmo Avenue, Brookman
 - E. Appointments to Planning Commission
 - F. Ordinance No. 97-142: Old Village Moratorium
 - G. Site Plan Security Release – Bremer Operations Center
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Tree Program
 - B. Appointment of Replacement to City Council

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

1. AGENDA

ADD: Discussion on an Ordinance for replacement of Council Member, Smooth operation with signal lights off at Ideal Ave/Hwy 5; Introduction of Mike Charron,

M/S/P Dunn/Johnston - to approve the October 5, 2004 City Council agenda, as amended. (Motion passed 4-0).

Mike Charron introduced himself as a the Republican candidate running for the House of Representatives (56A) and assured the council that he is a staunch supporter of local government control.

2. **MINUTES:** September 21, 2004

M/S/P Dunn/Johnston - to approve the September 21, 2004 City Council minutes, as amended. (Motion passed 4-0).

3. **PUBLIC INQUIRIES/INFORMATIONAL:**

A. **Public Inquiries**

Joan and Steve Ziertman asked for answers to many questions regarding drainage issues, approval for size of an addition, running a commercial business at the property located at 5699 Keats Avenue. Joan Ziertman explained these questions have been raised previously; they have not received any answers from the city and concluded that the property owner, who is a Planning Commission member, is offered special treatment. The City Administrator responded that the ongoing concerns have been investigated and the drainage plan proposed was appropriate per the City Engineer. These questions will be addressed at a Finance, Legislative Council Committee on Tuesday, October 12th at 6:15 p.m. where the City Attorney, City Engineer and Building Official will attend with a complete packet of background information to accompany the agenda.

Council member DeLapp reported that Highway 5 is being resurfaced and the freeway is down to two lanes. DeLapp noted the traffic light located at Ideal and Highway 5 was installed by Washington County and the State without warrants. Stop signs have gone in for one month, and he has only seen two cars lined up at these lights. Mayor Hunt indicated that on a Saturday there was no control on the side streets, and it was a mess. The Planner warned the Council to be ready for an increase in traffic counts with the commercial development proposed for that area in Oakdale.

4. **CONSENT AGENDA:**

A. **Resolution No. 2004-083: Approve Claims**

M/S/P Dunn/Johnston - to adopt Resolution No. 2004-083 approving claim numbers 219, 220, DD244 through DD252, 26226 through 26237 which were used for staff payroll dated September 30, 2004, claim 26238 through 26275 in the total amount of \$87,085.00. (Motion passed 4-0.)

B. **Parks Commission Appointment**

The Parks Commission has two vacancies which have been advertised for over one year. The city received a Parks Commission application from Charles Nalipinski, 235 Cimarron.

M/S/P Dunn/Johnston -- to appoint Charles Nalipinski, 235 Cimarron, as a Full-Voting member of the Parks Commission to finish Mike Tate's term that expires December 31, 2005. (Motion passed 4-0).

C. Hire Public Works Employee

The City Administrator reported after the second interview, he and the Public Works Supervisor selected Jim Sachs, a twenty year Lake Elmo fireman, as the most qualified person for the position. The Council adopted a new Fire Ordinance which included the creation of a new Firefighter classification; City Employee/Volunteer Firefighter compensated at an annual stipend of \$2500. The new job classification was developed with the advice of the League of MN Cities and reviewed and approved by the U.S. Department of Labor.

M/S/P Dunn/Johnston -- to approve the hiring of Jim Sachs as a Public Works Employee for the compensation as budgeted and as planned for in the 2004 budget. (Motion passed 4-0.).

5. FINANCE:

A. PUBLIC HEARING: Assessments for proposed Unpaid Municipal Utilities, Resolution No. 2004-084

The Finance Director handed out an updated version of unpaid municipal utilities. All of the property owners were sent letters regarding past due municipal utilities balances. Notification of the Public Hearing was published in the Stillwater Gazette on December 25, 2004. Property owners will have until November 3rd to pay the balance due with interest of a fee of \$25.00, whichever is greater.

Mayor Hunt opened up the Public Hearing at 7:26 p.m.
There was no one to speak for or against past due municipal utilities.
Mayor Hunt closed the Public Hearing at 7:27 p.m.

M/S/P DeLapp/Johnston -- to approve Resolution No. 2004-084 for the Assessment of Unpaid Municipal Utilities, as amended by the Finance Director. (Motion passed 4-0).

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

8. CITY ENGINEER'S REPORT:

A. PUBLIC HEARING: 55th Street Vacation, Resolution No. 2004-085

Eight residents with property south of and abutting 55th Street North from 93 feet west of Marquess Trail to east of the 55th Street/Manning intersection have petitioned the City to

vacate that portion of the unimproved street that was closed to through public travel in 2000 as a condition of the approval of the Carriage Station neighborhood.

The City Planner reported the Planning Commission recommended leaving the option of reopening 55th Street.

Mayor Hunt opened the Public Hearing at 7:35 p.m.

Rod Runge, 12136 Marquess Lane N., said he was asked to speak on behalf of 12 nearby landowners whose property is directly affected by the decisions. He said that vacating this gravel street would be a win-win situation. He said he talked to a representative from MnDOT who told him that traffic would likely double by 2020. He said closing the road for good would lead to advantages such as the area could become a walking path. It is also a matter of the council's integrity by standing behind the statement that the road would not be reopened.

Kathleen Haggard, 12154 Marquess Lane N., stated Lake Elmo protects rural character for this development and addresses the safety issues. Before purchasing her home, she looked at long term plans and was told by someone in the planning department this road would not be opened. She asked the Council to honor decisions that were made.

Keith Bergman said he understood the concerns of the residents, but was interested in developing 200 acres nearby 55th street and that the Council should consider a long range plan. He said that his decision could potentially affect more than this one development. The road was put there at one time for access of Lake Elmo. The reason the road was initially closed was to stop traffic flow from Carriage Station.

Gary Sloan, 12208 Marquess Lane, said he was assured by the city that the road would be closed. There are a row of houses sandwiched between two streets and the street is 50' from the back of his house. There are children playing in the back. He said that students from the Stillwater High School would potentially use the road as a shortcut. There would be noise and safety concerns which will affect their lives greatly.

Chip Longacre, 12058 55th Street N., provided a statement in writing urging the Council to vacate the subject portion of 55th street based on the concerns stated and uphold the promises that were made to the residents over the past three years.

M. Wohlers, 12114 Marquess Lane, said he was told this road never would be open, that it was never intended to be a through street, otherwise wouldn't have bought the property.

Mark Citsay, 12108 Marquess, said he didn't sign the petition, but beyond the safety issues and the concerns, it is really a quality of life issue..

Mayor Hunt closed the public hearing at 8:10 p.m.

Council member Johnston said he saw the problems it would create for new developments, but this commitment was made, and it is a question of integrity. He supported the street vacation.

Council member Dunn agreed it could be a concern for developers and road patterns in the future. She said that the elected officials were going to have to think of the future and make decisions based on that as well as the present even if the decision is not popular. She said she had a concern with density of this development, lots would be small, and the City needs access to the well. They looked at the road and asked what can be done to make it safer.

Council member DeLapp said that the road was originally built by Baytown to serve farmers. He said he was surprised at the number of residents who were calling the council to check about the future of the road before buying homes in that development. He said he would be in favor of vacating the road if residents would be ready to help cover costs of landscaping and look into trail easements for bike trails. He suggested that a few residents meet with the planner to discuss a plan for the road and how costs will be addressed.

Mayor Hunt said he was on the Council when it promised the road would be closed and should follow through with that commitment. He agreed with DeLapp on the process of a few residents meeting with the planner and engineer to come up with a plan dealing with location of driveways, trail and utility easements.

Planner Dillerud explained once the street is vacated, the chance of getting it back is gone. He said we never considered the closure of 55th street to be the same as the vacation of it.

M/S/ DeLapp/Johnston – to adopt Resolution No. 2004-085 to approve the vacation of 5th Street

M/S/P DeLapp/Johnston - to amend the motion with additional wording that the vacation of 55th Street is subject to an acceptable plan dealing with delineation of trail, utility easements, driveway location and costs. (Motion passed 4-0.)

M/S/P DeLapp/Johnston - to adopt Resolution No. 2004-085 to approve the vacation of 55th Street subject to the amendment and submittal of a correct legal description. (Motion passed 4-0).

Chip Longacre, Vince Eilers, who have driveways on the north side, and Gary Sloan will be representatives at the meeting.

B. Escrow Reduction: Whistling Valley Phase 1

In his memo dated September 29, 2004, the City Engineer reported that much of the work on Whistling Valley 1 is complete. The final lift of paving and some minor clean up items remain. The City engineer recommended reduction of the Letter of Credit.

M/S/P Johnston/DeLapp – to approve the Whistling Valley 1 Escrow Reduction to the amounts as recommended by the City Engineer in his memo dated September 29, 2004. (Motion passed 4-0).

9. PLANNING, LAND USE & ZONING:

A. Amateur Radio Tower Permit – Smith/Holm

John Holm/Betty Smith, 12460 Marquess Way, has applied for an amateur radio tower antenna permit responsive to Section 1396 of the City Code. The applicant proposes construction of a 55' foot retractable amateur radio tower and mast assembly adjacent to and west of the older existing residence. This 1.06 acre site was created with the Carriage Station PUD as the remainder of lands that were platted into new building lots. This site contains two residents and accessory structures that predate the other Carriage Station homes.

The Planning Commission recommended approval of the Amateur Radio Tower Permit.

M/S/P DeLapp/Dunn – to approve an Amateur Radio Tower Permit for Smith/Holm at 12460 Marquess Way per plans staff dated September 14, 2004 and subject to an Agreement with the City regarding future maintenance and safety of the facility. (Motion passed 4-0.)

B. Resolution No. 2004-086: Tapestry at Charlotte's Grove Preliminary Plat, OP Stage Plan, CUP

St. Croix Farm, LLC has made application for a Development Stage Plan, Conditional Use Permit and Preliminary Plat to create 67 residential building lots and nine outlots of a parcel of 173 acres. The property is generally located south of 45th Street N and West of Keats Avenue. The City Planner reported that the Planning Commission recommended approval of this application subject to conditions. The applicant has agreed to enhance landscaping along the eastern property line and the staff will be looking for that enhancement with the Final Landscape Plan.

Council member DeLapp complimented the applicant on the well-drafted covenants and suggested changes to consider. On page 3 – exterior lighting must be consistent with the indirect lighting requirements of the city, page 4 - coordinate landscape plan so there will not be 60 to 70 landowners coming up with different approaches and on page 4 – tree planting consistent with the city's boulevard tree policy. Council member Dunn voiced her concern that the applicant will implement the conditions set by the Valley Branch Watershed District.

The City Engineer noted that in regard to Outlot B and C, a sign should be posted stating this will be a street someday. Mr. Youngdahl will be talking to the City Planner regarding the north street connection to Keats Avenue which is shown on the preliminary plat.

M/S/P DeLapp/Johnston - to adopt Resolution No. 2004-086 approving the OP Development Stage Plan, Conditional Use Permit, and Preliminary Plat of Tapestry at Charlotte's Grove per plans staff dated September 20, 2004 and based on Findings and Conditions of approval recommended by the Planning Commission. (Motion passed 4-0).

C. Resolution No. 2004-087: Comprehensive Plan Amendment – Inwood Associates

The City Planner reported Inwood Associates applied for a comprehensive plan and zoning map/ordinance to amend the land use Element of the Comprehensive Plan to reclassify approximately 160+ acre vacant parcel at the Southeast corner of Inwood Avenue and 10th Street North from RAD/RR (Rural Agricultural Development) to part Mixed Use Commercial, part High/Medium Density Residential, and part Single Family Residential—all proposed uses to be served by Regional Sewer, requiring a Comprehensive Plan amendment to the Urban Service District (MUSA). The Planning Commission adopted a recommendation that all applications be denied based on Findings that there was no error in the present Comprehensive Plan regarding this site; there have been no changes in conditions regarding this site that would suggest Comprehensive Plan amendments are warranted; and, that the (5) Findings provided by the Planning Staff Report of September 20, 2004 are valid and applicable.

M/S/P DeLapp/Johnston – to adopt Resolution No. 2004-087 - to deny the application of Inwood Associates for Comprehensive Plan and Zoning Map/Ordinance amendments for a site at the southeast corner of Inwood Avenue and 10th Street north based on the recommendation and Findings of the Planning Commission, (Motion passed 4-0.).

D. Resolution No. 2004-088: Variance from Sideyard Setback, 3385 Lake Elmo Avenue, Brookman

Calvin Brookman made application to the city for a side yard setback variance in the R-1 zoning district to construct a new garage at 3385 Lake Elmo Avenue N. The applicant had requested construction of a new garage structure to replace one now existing essentially on the south property line of the subject site. The R-1 setback standard is 10 feet, about what the variance would be. The City Planner reported the Planning Commission found that no physical hardship exists that would support a variance in that sufficient room appears available on the site to construct a new garage of the proposed dimensions that would fully comply with the setback standards.

Council member Dunn said she thought the Old Village Commission was suppose to look at the small lots in the Old Village area and set an overlay with standards so variances aren't always needed, but evidently they did not. Attorney Filla responded we need statements that don't require a hardship. We have to work with what we have in the Old Village and set different standards for this area.

M/S/P DeLapp/Dunn - to adopt Resolution 2004-088 denying a side yard setback variance to construct a new garage at 3385 Lake Elmo Avenue based on the Findings and recommendation of the Planning Commission. (Motion passed 4-0.)

M/S/P DeLapp/Dunn -- to direct staff to bring modifications to the setback ordinance that would affect properties in the Old Village to the Planning Commission for a recommendation. (Motion passed 4-0.)

E. Appointments to Planning Commission

The Council interviewed six candidates for the two current Planning Commission vacancies (1 Full Voting and 1 Alternate). Based on the City Attorney's advice, Council member John's votes, via e-mail, could not be counted because he was not in attendance for the vote. The Council made the following motion after completion of the ranking process of the candidates.

M/S/P Dunn/DeLapp -- to appoint Thomas P. Armstrong, 8280 15th Street N., as a Full Voting Member of the Planning Commission. (Motion passed 3-1: Johnston)

M/S/P Dunn/DeLapp -- to appoint Ben Roth, 10819 Third Street Place, as the Second Alternate Member of the Planning Commission. (Motion passed 3-1: Johnston)

F. Ordinance No. 97-142: Old Village Moratorium

The City Planner advised the Council on September 21 that the Old Village Moratorium expired during the first week of September. Of the three infrastructure investigation that the Council directed before adopting the Old Village Comprehensive Plan amendment that has been recommended by the Village Commission and Planning Commission, the Surface Water Drainage remains to be completed by TKDA. The surface water work has been on hold for several months pending the update of the Valley Branch Watershed District Plan that is underway. That district plan update has not met the schedule that was understood by the City. Staff has advised the City Engineer to proceed with the Old Village Surface Water Plan without further waiting on the District's Plan. The City Engineer has advised that 4-6 weeks would be required to complete hydrologic modeling, and present a draft plan for the Old Village surface water handling.

The Planner reported he is aware of at least three owners of undeveloped property within the Old Village Area that are interested in proceeding with development plans in a timely manner.

M/S/P Dunn/DeLapp - to adopt Ordinance No. 97-142 establishing a Development Moratorium within the Old Village Planning Area not to exceed duration of 12 months. (Motion passed 4-0).

The Council will be holding a workshop on October 16th, 9:30 a.m. to Noon to discuss a Master Developer Plan.

G. Site Plan Security Release – Bremer Operations Center

The Public Works Superintendent has reviewed the subject site in Eagle Point Business Park for compliance with the approved landscape plan and landscape survival for two growing seasons and finds the site to be compliant in both respects. Release of the \$75,000 Letter of Credit is hereby recommended.

M/S/P Dunn/DeLapp – to approve release of Bremer Letter of Credit #S120010103 in the amount of \$75,000 which secured landscape improvements and survival at the Bremer Operations Center site. (Motion passed 4-0).

10. CITY ATTORNEY'S REPORT:

11. CITY ADMINISTRATOR'S REPORT:

A. Tree Program

At a recent Public Works Council Committee meeting, the committee recommended moving forward with a service contract with Kathy Widin to develop an active tree program and fund the program in the 2005 budget. Twenty-five thousand dollars was placed in the 2005 budget. The City Administrator recommended that the City begin the contract with Dr. Kathy Widin in October of 2004 to start in the evaluation and public education process of a diseased tree program.

M/S/P Johnston/Dunn - to approve the contract with Kathy Widin for Forestry Services. (Motion passed 4-0).

Council member Johnston pointed out that the Master Gardeners are in jeopardy of losing their funding. Council member Dunn asked that it be noticed in the newsletter that when you attend the Washington County Fair, you can sign up to become a member of the Agricultural Society.

M/S/P Johnston/Dunn – to communicate to the Washington County officials that it is important to continue funding because it would affect the talents of our youth. (Motion passed 4-0.)

B. Appoint Replacement for Council.

Council member DeLapp said he would like to make modifications to city rules that apply to appoint a replacement for City Council. Attorney Filla explained if the Council member to be replaced has more than 2 years left on his term, the Council can hold a special election. If the term is two years or less the Council can make an appointment or hold a special election. If the vote for the appointment is a tied vote, the Mayor can vote and break the tie.

12. CITY COUNCIL REPORTS:

Council member Johnston recommended reading the article written by Ryan Kathman on the negotiations with the Met Council because Johnston thought this was a much more comprehensive report.

Council member Dunn and Mayor Hunt met Vice President Cheney when he attended the Machine Shed Restaurant in Lake Elmo.

League of MN Cities booth; The Council will not have a booth at the League Conference because it might be sending the wrong message to Peter Bell. The City Administrator indicated there was good progress at the meeting with the Met Council representatives.

Adjourn meeting at 9:45 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2004-084 Approve Claims

Resolution No. 2004-084 Assessments for proposed unpaid Municipal Utilities

Resolution No. 2004-085 55th Street Vacation

Resolution No. 2004-086 Tapestry at Charlotte's Grove Preliminary Plat, OP Stage Plan, CUP

Resolution No. 2004-087 Comprehensive Plan Amendment - Inwood Associates

Resolution No. 2004-088 Deny Variance from sideyard setback Calvin Brookman

Ordinance 97-142 Old Village Moratorium Extend 12 months

MINUTES APPROVED: OCTOBER 5, 2004
LAKE ELMO CITY COUNCIL MINUTES

SEPTEMBER 21, 2004

1. AGENDA
2. MINUTES: September 7, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Public Informational:Library
4. CONSENT AGENDA:
 - A. Resolution No. 2004-080:Approve Claims
5. FINANCE:
 - A. Monthly Operations Report: Informational
6. NEW BUSINESS:
 - A. Tom Wagner, VAA (Verbal)
7. MAINTENANCE/PARK/FIRE/BUILDING:
 - A. Update on Building Dept. Activities:Building Official
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
 - A. Resolution No. 2004-081:Zoning Variance – Side Yard Setback (Price, 8384 Stillwater Blvd.)
 - B. Resolution No. 2004-082:Conditional Use Permit – Beauty Salon/Say Spa (Prairie Ridge Office Park)
 - C. Appointments to Planning Commission
 - D. Old Village Moratorium
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Fire Ordinance 97-141
 - B. Fire Study
 - C. Old Village Development Plan
 - D. Booth at League of Minnesota Cities Conference
12. CITY COUNCIL REPORTS:

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

1. AGENDA:

ADD: Workshop on Old Village, Update by City Attorney on Hilyar property, OV Moratorium, Fire Study proposal provided, Discussion on Met Council issues, Public Informational:Library staff review on properties.
M/S/P Johnston/Dunn - to approve the September 21, 2004 City Council agenda, as amended. (Motion passed 5-0).

8. CITY ENGINEER'S REPORT:

9. PLANNING, LAND USE & ZONING:

A. Resolution No. 2004-081: Zoning Variance – Side Yard Setback (Price, 8384 Stillwater Blvd.)

The City Planner reported that Albert and Caroline Price, 8384 Stillwater Boulevard, made application for a zoning variance from the side yard setback to permit reconstruction of a two-stall garage 8 feet 5 inches from the west property line where a 10 foot side yard setback is required.

The Planner explained the Planning Commission's recommended approval was primarily a result from positive findings regarding hardship after the applicant volunteered to reduce the requested variance from 3 feet 7 inches to 1 foot 7 inches, reflecting the exact side yard location of the garage structure proposed to be replaced. Staff advised the Commission that it was likely that the original garage was intended to be located at the 10 foot setback line in 1968, but ended up slightly closer to the lot line.

M/S/P Dunn/John - to adopt Resolution No. 2004-081, Approving a Variance for Albert and Caroline Price, 8384 Stillwater Boulevard, to Permit Reconstruction of a Garage, per the graphics staff dated September 13, 2004, 8 feet 5 inches from the west property line where a 10 foot side yard setback is required, based on the Findings and recommendations of the Planning Commission. (Motion passed 5-0).

B. Resolution No. 2004-082: Conditional Use Permit – Beauty Salon/Day Spa (Prairie Ridge Office Park)

The City Planner reported that Mary Gander has requested a Conditional Use Permit, located in one-half of Building #6, Prairie Ridge Office Park 8975 Highway 5, for a Beauty Salon and Accessory Day Spa. The application is responsive to recent amendments to the Limited Business zone text to include Beauty Salons as Conditional Uses and Day Spas as Accessory Uses to Beauty Salons. He said the plan to utilize one half of building #6 in the new office development would not be problematic as the city can regulate the conditional use permit.

Ms. Gander's documentation addressed the concern that the new business would have hair and various chemicals kept from entering the waste processing with traps. Salon chemicals are regulated by the FDA and the University of Minnesota told her that salons are not on the list of business that affects septic systems. Dillerud said that it was possible for the city to see if Gander was complying by testing the septic system every two years when it is pumped.

Ms. Gander estimated that between 16 and 22 spaces would be needed at any given time, which was higher than the assigned 12 spaces to that part of the building. A plan was provided to add about 14 parking spaces.

10. CITY ADMINISTRATOR'S REPORT:

A. Fire Ordinance

The City Administrator explained the City has the authority to establish a fire department; appoint fire department officers and members; prescribe duties for fire department members; and provide fire fighting equipment. The fire department and its members are subject to the same rules and regulations that apply to other city departments and employees.

M/S/P John/Johnston – to adopt Ordinance No. 97-141 relating to the Fire Department. (Motion passed 5-0.)

B. Fire Study

The City Planner reported the only response for a Comprehensive Fire Services Study was submitted by Dahlgren, Shardlow and Uban, Inc. which was responsive to an RFP prepared. He said this fire study affects what the City will do in the Old Village.

M/S/P Johnston/DeLapp – to approve the contract with Dahlgren, Shardlow and Uban, Inc. accepting a professional services proposal for a Comprehensive Fire Services Study for Lake Elmo. (Motion passed 5-0).

C. Old Village Development Plan

The City Administrator will come up with dates for two workshops for the Old Village Master Developer Plan where they will discuss the three Components: Master developer, facilities, standard and new ordinances to control development.

D. Booth at League of Minnesota Cities Conference

The staff will give an update on the meeting with the Governor on Monday, September 27, 2004 from 5:30 to 6:30 p.m. Depending on the results of the Governor's meeting, the Council will decide what action to take with the booth for the conference.

11. CITY COUNCIL REPORTS:

Mayor Hunt announced there will be a public hearing on options for constructing the new Stillwater bridge at the Stillwater Jr. High School.

Council member DeLapp reported the Sierra Club held its Tour de Sprawl with the Mayor, City Administrator and himself in attendance. The group stopped to listen to Bob Engstrom's comments on preserving open space at the red barn located at the Fields of St. Croix, an open space development Mr. Engstrom had developed.

Adjourn 8:40 p.m.

4A

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

**RESOLUTION NO. 2004-089
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 221, 222, DD253 through DD264, 26278 through 26305, were used for Staff payroll dated October 14, 2004, Claim 26277, 26306 through 26351 in the total amount of \$107,107.35 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 19th day of October, 2004.

Lee Hunt
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator
Printed: 10/14/2004 - 3:53 PM

SPRINGBROOK SOFTWARE

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:ABDO 215834	Abdo Eick & Meyers City Auditor Check Total:	1,717.45 1,717.45	10/19/2004	Check Sequence: 1 101-410-1530-43010	ACH Enabled: No
Vendor:Ameri-Wa AYMIN04	AMERICAN WATERWORKS ASSOCIATION Membership - Mike Bouthilet Check Total:	67.00 67.00	10/19/2004	Check Sequence: 2 601-494-9400-44300	ACH Enabled: No
Vendor:ARAM 629-5567316	Aramark Linen - City Hall Check Total:	46.68 46.68	10/19/2004	Check Sequence: 3 101-410-1940-44010	ACH Enabled: No
Vendor:COPYMAG 52472	Copy Images, Inc. Copier monthly maint. Check Total:	255.60 255.60	10/19/2004	Check Sequence: 4 101-410-1940-44040	ACH Enabled: No
Vendor:ELMOLUM 028247-01	Elmo's Lumber & Plywood Wasp Killer & Putty Knife - Parks Check Total:	8.07 8.07	10/19/2004	Check Sequence: 5 101-450-5200-42400	ACH Enabled: No
Vendor:EMERGAPP 15760 15761 17825 17826 17827 17828 17986 17987 17988	Emergency Apparatus Maint. Cord reel 3173 Leak - rear valve 3175 Generator, Pump, Truck Service 3173 Generator, Pump, Truck Service 3183 Generator, Pump, Truck Service 3175 Generator, Pump, Truck Service 3176 Truck Service 3178 Truck Service 3177 Truck Service 3187	147.57 191.37 999.55 818.92 869.04 884.37 205.22 245.32 225.09	10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004	Check Sequence: 6 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040 101-420-2220-44040	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
18029	Truck Service 3179	133.30	10/19/2004	101-420-2220-44040	
18594	Multiple Repairs 3173	2,268.72	10/19/2004	101-420-2220-44040	
18596	Trans. cooler line, Tie rods, Brakes 3187	1,765.95	10/19/2004	101-420-2220-44040	
18598	Multiple Repairs 3175	4,046.29	10/19/2004	101-420-2220-44040	
18607	Trans. leak, Water pump, Muffler 3176	1,169.82	10/19/2004	101-420-2220-44040	
	Check Total:	13,970.53			
Vendor: FARMERS 953	Farmers Union Co-Op Oil Fuel - FD	21.51	10/19/2004	101-420-2220-42120	ACH Enabled: No
	Check Total:	21.51			
Vendor: HAGBERGS 00120913 00160902	Hagbergs Country Market Supplies - Elections Supplies - City Hall	47.89 16.48	10/19/2004 10/19/2004	101-410-1410-44300 101-410-1940-44300	ACH Enabled: No
	Check Total:	64.37			
Vendor: HENNCOL 00085889	Hennepin Technical College Training - Lauren Potter	590.65	10/19/2004	101-420-2220-44370	ACH Enabled: No
	Check Total:	590.65			
Vendor: LARSON 40903010 40908014 40917028	LARSON DIESEL SERVICE Brake replacement - Dump/plow truck DOT Inspection - Dump Truck DOT Inspection - 1986 Ford	536.68 76.20 76.20	10/19/2004 10/19/2004 10/19/2004	101-430-3100-44040 101-430-3100-44040 101-430-3100-44040	ACH Enabled: No
	Check Total:	689.08			
Vendor: Lauren Permit 3788	Homes By Lauren 4759 Lily Ave	1,000.00	10/19/2004	803-000-0000-22900	ACH Enabled: No
	Check Total:	1,000.00			
Vendor: LEOIL B01203 S01203 S01208	Lake Eimo Oil, Inc. Fuel - Public Works Fuel - FD Fuel - Parks	706.80 250.63 32.51	10/19/2004 10/19/2004 10/19/2004	101-430-3100-42120 101-420-2220-42120 101-450-5200-42120	ACH Enabled: No
	Check Total:	989.94			
Vendor: MALMQ Emp. Claim	GregMalmquist Fire Prev. Delivery Tip	20.00	10/19/2004	101-420-2220-42090	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	20.00			
Vendor:MARONEYS 063708	Maroney's Sanitation, Inc Refuse - City Hall	95.89	10/19/2004	101-410-1940-43840	ACH Enabled: No
063708	Refuse - Public Works Bldg.	114.67	10/19/2004	101-430-3100-43840	
063708	Refuse - Parks	183.96	10/19/2004	101-450-5200-43840	
	Check Total:	394.52			
Vendor:MARTINJ Permit 3617	JohnMartin 11715 Little Bluestem Lane	1,000.00	10/19/2004	803-000-0000-22900	ACH Enabled: No
	Check Total:	1,000.00			
Vendor:MENARDSO 60406	Menards - Oakdale Hockey Boards - Parks	614.54	10/19/2004	101-450-5200-42250	ACH Enabled: No
61950	Hockey Boards - Parks	47.97	10/19/2004	101-450-5200-42250	
	Check Total:	662.51			
Vendor:METROCA 01809415	Metrocall Inc. Floater Phone- FD	83.21	10/19/2004	101-420-2220-43210	ACH Enabled: No
	Check Total:	83.21			
Vendor:MILLEREX 9924	Miller Excavating, Inc. Grade Gravel Roads	1,059.75	10/19/2004	101-430-3100-43150	ACH Enabled: No
	Check Total:	1,059.75			
Vendor:MNRURAL MEMBERSHIP	MN Rural Water Association Membership & Conf. Mike Bouthilet	75.00	10/19/2004	601-494-9400-44370	ACH Enabled: No
	Check Total:	75.00			
Vendor:MOGRSOD CARRIAGE FARMS	Mogren Turf Carriage Farms Drainage	13,690.00	10/19/2004	803-000-0000-22900	ACH Enabled: No
	Check Total:	13,690.00			
Vendor:MUSICGO 100504	Music Go Round Fire Prev. - Audio Equipment Rental	26.63	10/19/2004	101-420-2220-42090	ACH Enabled: No
	Check Total:	26.63			

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: Natl Wat 1732786 1736075	National Waterworks Water Meters and MXUs Water Meters and MXUs - Return Check Total:	5,368.05 -1,571.94 3,796.11	10/19/2004 10/19/2004	Check Sequence: 22 601-494-9400-42300 601-494-9400-42300	ACH Enabled: No
Vendor: OAKDALE 1000039700 1000046000	City of Oakdale Water - North Water - South Check Total:	1,760.60 7,349.70 9,110.30	10/19/2004 10/19/2004	Check Sequence: 23 601-494-9400-43820 601-494-9400-43820	ACH Enabled: No
Vendor: OakPark 8313	Oak Park Auto Inc. Tires, Oil, Brakes for truck Bldg. Insp. Check Total:	820.20 820.20	10/19/2004	Check Sequence: 24 101-420-2400-44040	ACH Enabled: No
Vendor: ONECALL 4090493	Gopher State One-Call/One Call Concepts, Inc Line Locates - September Check Total:	140.30 140.30	10/19/2004	Check Sequence: 25 101-430-3100-44300	ACH Enabled: No
Vendor: PELNAR September04	Kathi Pelnar Impound Services for September Check Total:	1,161.55 1,161.55	10/19/2004	Check Sequence: 26 101-420-2700-43150	ACH Enabled: No
Vendor: PETERSON 111135M 111140M 111145M 111150M 111155M	Peterson Fram & Bergman Legal Services - Administration Legal Services - Criminal Pros Legal Services - Public Improvement Proj. Legal Services - Community Dev. Legal Services - Civil Litigation Check Total:	4,218.80 3,480.88 99.00 473.00 702.43 8,974.11	10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004	Check Sequence: 27 101-410-1610-43040 101-410-1610-43045 409-480-8000-43040 803-490-9070-43040 101-410-1610-43040	ACH Enabled: No
Vendor: ROGERS 11900 11900	Rogers Printing Services Printing - Permit Applications Printing - Stationery Check Total:	80.94 172.53 253.47	10/19/2004 10/19/2004	Check Sequence: 28 101-420-2400-42030 101-410-1320-42030	ACH Enabled: No
Vendor: ROSEVILL 0004573	City of Roseville Springbrook Training Check Total:	795.43 795.43	10/19/2004	Check Sequence: 29 101-410-1520-44370	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:RUD 07350202685 10/04-10/14 10/05-10/15	DianePrince-Rud Vacuum Cleaning - City Hall Cleaning - Fire Hall Check Total:	95.83 240.00 240.00 575.83	10/19/2004 10/19/2004 10/19/2004	Check Sequence: 30 101-410-1940-42110 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor:S&T 01JJ9949 01JJ0792 01JJ1539 01JJ9569	S&T Office Products, Inc. Office Supplies Office Supplies Office Supplies - Return Office Supplies Check Total:	549.74 108.25 -108.25 248.60 798.34	10/19/2004 10/19/2004 10/19/2004 10/19/2004	Check Sequence: 31 101-410-1320-42000 101-410-1320-42000 101-410-1320-42000 101-410-1320-42000	ACH Enabled: No
Vendor:SONMOR 190	ChadSomnor Fire Prev. - Popcorn and Soda Check Total:	56.35 56.35	10/19/2004	Check Sequence: 32 101-420-2220-42090	ACH Enabled: No
Vendor:STATETRE Srchg Rpt Q3	State Treasurer Building Permit Surcharges to the State Check Total:	2,946.96 2,946.96	10/19/2004	Check Sequence: 33 101-420-2400-43060	ACH Enabled: No
Vendor:STILLGAZ 00003463 00003464 00003481 00003501 00003502 00003503 00003505 00003506 00003507 00003510 00003800 00003801 00003803 00003811 00003819 00003830 C5243910 C5244460	Stillwater Gazette Legal Notice Legal Notice - Old Village Legal Notice - Council Committees Legal Notice - Ordinance Legal Notice - Zoning Legal Notice - Antenna Legal Notice - Fence Legal Notice - Rezone Legal Notice - Zoning District Map Legal Notice Ordinance #140 Ordinance #139 Public Hearing - Carriage Station Voting Accuracy FD Public Hearing - Chapter 302 Ad - Finance Specialist Ad - Public Works	35.70 84.00 60.90 37.80 29.40 42.00 27.30 27.30 37.80 27.30 37.80 33.60 16.80 8.40 134.40 25.20 122.70 81.80	10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004	Check Sequence: 34 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1320-43510 101-410-1520-44300 101-430-3100-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	870.20			
Vendor: TASC 34370	T.A. Schifsky & Sons AC Sand Mix Check Total:	39.14 39.14	10/19/2004	Check Sequence: 35 101-430-3100-42240	ACH Enabled: No
Vendor: TRACTOR 603530120268128	Tractor Supply Credit Plan Pipes and hooks for Landscaping - Parks Check Total:	165.82 165.82	10/19/2004	Check Sequence: 36 101-450-5200-42250	ACH Enabled: No
Vendor: Twin Saw A10265 A10265	Twin City Saw Co. Bench Grinder - Public Works Bench Grinder - Parks Check Total:	149.77 149.78 299.55	10/19/2004 10/19/2004	Check Sequence: 37 101-430-3100-42400 101-450-5200-42400	ACH Enabled: No
Vendor: TWINCIT 728	Twin City Water Clinic, Inc. Bacteria analysis for September 2004 Check Total:	20.00 20.00	10/19/2004	Check Sequence: 38 601-494-9400-43030	ACH Enabled: No
Vendor: XCEL 0044-445-749271 0084-044-646270 0176-825-022270 0417-949-252271 0446-544-592270 0573-240-678270 0592-147-254271 0614-943-270270 0777-146-175270 1278842-757-271 1427-822-590271 1577-643-354270 1808-181-287270 1957-348-187270 2045-967-139272 2332-806-007275	Xcel Energy Softball Field 4259 Jamaca - Public Works I94 & Inwood City Hall Manning & Stillwater 11194 Upper 33rd Pebble Park 998 Inwood Tennis Courts 3303 Langley Ct N 8860 Hudson Blvd N Fire Hall 3675 Layton Ave N 11062 34th St. N 11975 55th St. N City Lights Check Total:	47.30 152.13 25.40 375.38 25.00 33.06 11.92 31.98 10.37 611.22 41.99 147.76 7.43 13.99 483.01 1,563.34 3,581.28	10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004 10/19/2004	Check Sequence: 39 101-450-5200-43810 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 101-450-5200-43810 602-495-9450-43810 601-494-9400-43810 101-430-3160-43810	ACH Enabled: No
Vendor: YARUSSO 00000050082	Raymond Yarusso, Sr. National Fire Academy - Yarusso	103.50	10/19/2004	Check Sequence: 40 101-420-2220-44370	ACH Enabled: No

Description

Invoice No

103.50

Check Total:

70,940.94

Total for Check Run:

40

Total Number of Checks:

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

ACCOUNT NO:

Page: 1
09/30/2004
11135M

	FEEES	EXPENSES	ADVANCES	BALANCE
11135-030005 OLD VILLAGE AREA MORATORIUM	264.00	0.00	0.00	\$264.00
11135-040001 PURCHASE OF BROOKFIELD BUILDING	189.00	0.00	0.00	\$189.00
11135-040002 2004 RECODIFICATION	517.00	0.00	0.00	\$517.00
11135-040007 HIGHLANDS TRAIL STREET VACATION	33.00	0.00	0.00	\$33.00
11135-040009 PURCHASE OF SIEDOW PROPERTY	154.00	3.98	1,484.82	\$1,642.80
11135-920001 Administration	1,419.00	0.00	0.00	\$1,419.00
11135-920005 Volunteer Fire Dept./Benefit Assoc.	154.00	0.00	0.00	\$154.00
	<u>2,730.00</u>	<u>3.98</u>	<u>1,484.82</u>	<u>\$4,218.80</u>

101-410-1610-43040 = 4,218.80

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

ACCOUNT NO:

Page: 1
09/30/2004
11140M

101-410-1610-43045 =
3,480.88

	FEES	EXPENSES	ADVANCES	BALANCE
11140-030001 Misc Prosecutions	3,000.00	13.38	0.00	\$3,013.38
11140-030012 Magée, Robert H. Reckless driving, leave scene of accident	37.50	0.00	0.00	\$37.50
11140-030225 Wetterstrom, William serious/fatal crash report	52.50	0.00	0.00	\$52.50
11140-040001 Huseby, Ryan Allen no mn dl, no proof of ins.	30.00	0.00	0.00	\$30.00
11140-040082 Fredrickson, Adam Gregory 4th degree DUI, allow open bottle	37.50	0.00	0.00	\$37.50
11140-040097 Olson, Delores Hattie forged check	22.50	0.00	0.00	\$22.50
11140-040129 Romero, Roman Joseph DAR, speed	5.00	0.00	0.00	\$5.00
11140-040130 Marchio, James Anthony 3rd degree DUI	22.50	0.00	0.00	\$22.50

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CITY OF LAKE ELMO

ACCOUNT NO:

Page: 2
09/30/2004
11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040132 Thorsen, Kyle Theodore 3rd degree DUI	15.00	0.00	0.00	\$15.00
11140-040159 Strom, Michael Todd 4th degree DUI	30.00	0.00	0.00	\$30.00
11140-040160 Peterson, Matthew J. DOC	10.00	0.00	17.50	\$27.50
11140-040180 Martinez, Pable D. expired DL	22.50	0.00	0.00	\$22.50
11140-040198 Carroll, John Patrick under 21 not a drop	77.50	0.00	0.00	\$77.50
11140-040200 Campbell, Jeffrey Joseph DAR, no seatbelt	10.00	0.00	0.00	\$10.00
11140-040208 Slater, Torry Deron doc	5.00	0.00	0.00	\$5.00
11140-040211 Yang, Dow domestic assault	5.00	0.00	0.00	\$5.00
11140-040212 Steinmaus, Jay Thomas DOC	5.00	0.00	0.00	\$5.00
11140-040214 Liebgott, Jasen Michael DAR, no insurance	15.00	0.00	0.00	\$15.00

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CITY OF LAKE ELMO

ACCOUNT NO:

Page: 3
09/30/2004
11140M

	FEEES	EXPENSES	ADVANCES	BALANCE
11140-040216 Scheuerman, Tony Speed 73/55	10.00	0.00	0.00	\$10.00
11140-040221 Anderson, Jason domestic assault	5.00	0.00	0.00	\$5.00
11140-040222 Lopez, Armando no MN dl, no proof of insurance	5.00	0.00	0.00	\$5.00
11140-040227 Stafki, Joseph Michael no insurance	5.00	0.00	0.00	\$5.00
11140-040229 Burger, Randal Meyer no insurance, no proof of insurance	22.50	0.00	0.00	\$22.50
	<u>3,450.00</u>	<u>13.38</u>	<u>17.50</u>	<u>\$3,480.88</u>

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

Page: 1
09/30/2004
ACCOUNT NO: 11145M

	FEEES	EXPENSES	ADVANCES	BALANCE
11145-000003 Hill Trail North Street Improvement	99.00	0.00	0.00	\$99.00
	<u>99.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$99.00</u>

409-480-8000-43040=99.00

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

Page: 1
09/30/2004
ACCOUNT NO: 11150M

	FEES	EXPENSES	ADVANCES	BALANCE
11150-040004 WHISTLING VALLEY SECOND ADDITION	143.00	0.00	0.00	\$143.00
11150-040007 TAPESTRY O.P. DEVELOPMENT	231.00	0.00	0.00	\$231.00
11150-040015 OTTESON LOT LINE ADJUSTMENT	22.00	0.00	0.00	\$22.00
11150-040016 INWOOD ASSOCIATES COMPREHENSIVE PLAN - REZONING	33.00	0.00	0.00	\$33.00
11150-960009 Downs Variance	44.00	0.00	0.00	\$44.00
	<u>473.00</u>	<u>0.00</u>	<u>0.00</u>	<u>\$473.00</u>

803-490-9070-43040=473.00

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Page: 1
09/30/2004
11155M

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

ACCOUNT NO:

	FEEES	EXPENSES	ADVANCES	BALANCE
11155-030004 LAKE ELMO VS. HILYAR	155.50	0.00	0.00	\$155.50
11155-030006 MONTGOMERY BARREL: CODE VIOLATIONS	44.00	0.00	0.00	\$44.00
11155-040001 RICHARD SACHS V. CITY OF LAKE ELMO	40.50	0.00	0.00	\$40.50
11155-040002 ZIERTMAN/SESSING PROPERTY	297.00	0.43	0.00	\$297.43
11155-040003 SWENO PROPERTY CODE VIOLATION	165.00	0.00	0.00	\$165.00
	<u>702.00</u>	<u>0.43</u>	<u>0.00</u>	<u>\$702.43</u>

101-410-1610-43040=702.43

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Lake Elmo City Council 10-19-2004	Agenda Section: FINANCE	<u>No. 5A</u>
<u>Agenda Item: Issuance & Award Sale of G.O. Bonds</u>		
<p><u>Background Information for October 19, 2004:</u> On August 31, 2004, the City Council conducted a Public Hearing and approved an Amendment to the Capital Improvement Plan and proposal to issue bonds. A Preliminary Official Statement has been finalized by Northland Securities and the City's Credit Rating Review is in the process of being completed by Moody's Investors Service. The next steps in the Bonding process is Bond pricing and the authorization to sell bonds.</p> <p>Attached, please find Resolution # 2004-090, Authorizing issuance, awarding sale, prescribing the form and details and providing for the payment of \$4,090,000 General Obligation Capital Improvement Plan Bonds Series 2004A. Pursuant to Minnesota Statutes, Chapter 475 the Bond proceeds will be used together with any additional funds of the City which might be required, to finance the cost of constructing and equipping City Hall, Public Works Facility and Fire Station and other improvements identified in the City's Capital Improvement Plan.</p>		
<u>Action Items:</u> Motion to approve Resolution # 2004-090 , Authorizing issuance, awarding sale of General Obligation Bonds in the amount of \$4,090,000.		<u>Person responsible:</u> Tom Bouthilet
<u>Attachments:</u> 1. Resolution 2004-090		

CERTIFICATION OF MINUTES

Municipality: The City of Lake Elmo, Minnesota

Governing Body: City Council

Meeting: A meeting of the City Council of the City of Lake Elmo was held on the 19th day of October, 2004, at 7:00 p.m. at the City offices, 3800 Laverne Ave. N., Lake Elmo, Minnesota.

Members present:

Members absent:

Documents: Resolution No. 2004-090 - Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$4,090,000 General Obligation Capital Improvement Plan Bonds, Series 2004A

Certification:

I, Martin Rafferty, City Administrator of the City of Lake Elmo, Minnesota, do hereby certify the following:

Attached hereto is a true and correct copy of a resolution on file and of record in the offices of the City of Lake Elmo, Minnesota, which resolution was adopted by the Lake Elmo City Council, at the meeting referred to above. Said meeting was a regular meeting of the Lake Elmo City Council, was open to the public, and was held at the time at which meetings of the City Council are regularly held. Member _____ moved the adoption of the attached resolution. The motion for adoption of the attached resolution was seconded by Member _____. A vote being taken on the motion, the following voted in favor of the resolution:

and the following voted against the resolution:

Whereupon said resolution was declared duly passed and adopted by at least two-thirds of the members of the City Council. The attached resolution is in full force and effect and no action has been taken by the City Council of the City of Lake Elmo, Minnesota which would in any way alter or amend the attached resolution.

Witness my hand officially as the City Administrator of the City of Lake Elmo, Minnesota this ____ day of October, 2004.

By _____
Its City Administrator

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF \$4,090,000 GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2004A

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

SECTION 1. AUTHORIZATION AND SALE.

1.1. Authorization. This Council hereby determines that it is in the best interests of the City to issue its General Obligation Capital Improvement Plan Bonds, Series 2004A (the Bonds), in the aggregate principal amount of \$4,090,000 pursuant to Minnesota Statutes, Chapter 475. The proceeds of the Bonds will be used, together with any additional funds of the City which might be required, to finance the cost of constructing and equipping a combined City Hall, Public Works Building and Fire Station and other improvements identified in the City's Capital Improvement Plan (the Plan). Amendments to the Plan and the proposal to issue the Bonds were approved by this Council, following a public hearing thereon, on August 31, 2004. A petition requesting a vote on the question of issuing the Bonds, signed by voters equal to five percent or more of the votes cast in the last municipal general election, was not filed with the City within 30 days of the public hearing. Accordingly, the issuance of the Bonds is authorized without an election. The City finds that the maximum principal and interest to become due in any year on the Bonds and all other Bonds issued under Minnesota Statutes, Section 475.521 is less than .05367 percent of the taxable market value of property in the City.

1.2. Sale. The City has retained Sound Capital as independent financial advisor in connection with the sale of the Bonds. Pursuant to Minnesota Statutes, Section 475.60, subdivision 2, paragraph (9), the requirements as to public sale do not apply to the issuance of the Bonds. Pursuant to the Terms of Proposal and the Official Statement prepared on behalf of the City by Northland Securities, Inc., a proposal for the purchase of the Bonds was received at or before the time specified for receipt of proposals. Northland Securities, Inc. (the Purchaser) has proposed to purchase the Bonds at a price of \$_____ plus accrued interest on all Bonds to the day of issuance and delivery, on the further terms and conditions hereinafter set forth.

1.3. Award. The sale of the Bonds is hereby awarded to the Purchaser and the Mayor and City Manager are hereby authorized and directed to execute a contract on behalf of the City for the sale of the Bonds in accordance with the Terms of Proposal. The good faith deposit of the Purchaser shall be retained and deposited by the City until the Bonds have been delivered and shall be deducted from the purchase price paid at settlement.

SECTION 2. BOND TERMS; REGISTRATION; EXECUTION AND DELIVERY.

2.01. Issuance of Bonds. All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of the Bonds having been done, now existing,

having happened and having been performed, it is now necessary for the City Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

2.02. Maturities; Interest Rates; Denominations and Payment. The Bonds shall be originally dated November 1, 2004, shall be in the denomination of \$5,000 each, or any integral multiple thereof, of single maturities, shall mature on February 1 in the years and amounts stated below, and shall bear interest from date of issue until paid or duly called for redemption, at the annual rates set forth opposite such years and amounts, as follows:

<u>Year</u>	<u>Amount</u>	<u>Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Rate</u>
2006	\$95,000	%	2016	\$200,000	%
2007	145,000		2017	210,000	
2008	150,000		2018	220,000	
2009	150,000		2019	230,000	
2010	160,000		2020	240,000	
2011	165,000		2021	255,000	
2012	170,000		2022	265,000	
2013	175,000		2023	280,000	
2014	185,000		2024	295,000	
2015	190,000		2025	310,000	

[REVISE MATURITY SCHEDULE FOR ANY TERM BONDS]

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond, the principal amount thereof, shall be payable by check or draft issued by the Registrar described herein; provided that, so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

2.03. Dates and Interest Payment Dates. Upon initial delivery of the Bonds pursuant to Section 2.07 and upon any subsequent transfer or exchange pursuant to Section 2.06, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable on February 1 and August 1 in each year, commencing August 1, 2005, each such date being referred to herein as an Interest Payment Date, to the person in whose names the Bonds are registered on the Bond Register, as hereinafter defined, at the Registrar's close of business on the fifteenth day of the month immediately preceding the Interest Payment Date, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months.

2.04. Redemption. Bonds maturing in 2014 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000, on February 1, 2013, and on any date thereafter, at a price equal to the

principal amount thereof and accrued interest to the date of redemption. The City Manager shall cause notice of the call for redemption thereof to be published as required by law, and at least thirty (30) and not more than sixty (60) days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the registered holders of any Bonds to be redeemed at their addresses as they appear on the bond register described in Section 2.06 hereof, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS -
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing on February 1, 20____ and 20____ (the Term Bonds) shall be subject to mandatory redemption prior to maturity pursuant to the sinking fund requirements of this Section 2.04 at a redemption price equal to the stated principal amount thereof plus interest accrued thereon to the redemption date, without premium. The Registrar shall select for redemption, by lot or other manner deemed fair, on February 1 in each of the following years the following stated principal amounts of such Bonds:

Term Bonds Maturing February 1, 20—

<u>Year</u>	<u>Principal Amount</u>
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The remaining \$ _____ stated principal amount of such Bonds shall be paid at maturity on February 1, 20____.

Term Bonds Maturing February 1, 20—

<u>Year</u>	<u>Principal Amount</u>
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The remaining \$ _____ stated principal amount of such Bonds shall be paid at maturity on February 1, 20____.

Notice of redemption shall be given as provided in the preceding paragraph.]

2.05. Appointment of Initial Registrar. The City hereby appoints Northland Trust Services as the initial bond registrar, transfer agent and paying agent (the Registrar). Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The Mayor and City Manager are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. The City reserves the right to remove the Registrar, effective upon not less than thirty days' written notice and upon the appointment and acceptance of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the Bond Register to the successor Registrar.

2.06. Registration. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal office a register (the Bond Register) in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged. The term Holder or Bondholder as used herein shall mean the person (whether a natural person, corporation, association, partnership, trust, governmental unit, or other legal entity) in whose name a Bond is registered in the Bond Register.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the Holder thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the Holder thereof or by an attorney duly authorized by the Holder in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each Interest Payment Date and until such Interest Payment Date.

(c) Exchange of Bonds. At the option of the Holder of any Bond in a denomination greater than \$5,000, such Bond may be exchanged for other Bonds of authorized denominations, of the same maturity and a like aggregate principal amount, upon surrender of the Bond to be exchanged at the office of the Registrar. Whenever any Bond is so surrendered for exchange the City shall execute and the Registrar shall authenticate and deliver the Bonds which the Bondholder making the exchange is entitled to receive.

(d) Cancellation. All Bonds surrendered for payment, transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar shall incur no liability for

the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the Bond Register as the absolute owner of the Bond, whether the Bond shall be overdue or not, for the purpose of receiving payment of or on account of the principal of and interest on the Bond and for all other purposes; and all payments made to or upon the order of such Holder shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.

(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, Subdivision 1, as amended.

(j) Valid Obligations. All Bonds issued upon any transfer or exchange of Bonds shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Resolution as the Bonds surrendered upon such transfer or exchange.

2.07. Execution, Authentication and Delivery. The Bonds shall be prepared under the direction of the City Manager and shall be executed on behalf of the City by the signatures of the Mayor and the City Manager, provided that the signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on any Bond shall cease to be such officer before the delivery of such Bond, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the date of delivery of such Bond.

Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond, substantially in the form provided in Section 2.09, has been executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on any Bond shall be conclusive evidence that it has been duly authenticated and delivered under this Resolution. When the Bonds have been prepared, executed and authenticated, the City Manager shall deliver them to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

2.08. Securities Depository. (a) For purposes of this section the following terms shall have the following meanings:

“Beneficial Owner” shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person’s subrogee.

“Cede & Co.” shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

“DTC” shall mean The Depository Trust Company of New York, New York.

“Participant” shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

“Representation Letter” shall mean the Representation Letter pursuant to which the City agrees to comply with DTC’s Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever; and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner

of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of physical certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC, if not previously filed with DTC, by the Mayor or City Manager is hereby authorized and directed.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of physical certificates and the method of payment of principal of and interest on such Bonds in the form of physical certificates.

2.09. Form of Bonds. The Bonds shall be prepared in substantially the following form:

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF WASHINGTON

CITY OF LAKE ELMO

GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BOND, SERIES 2004A

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
%	February 1, 20__	November 1, 2004	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: THOUSAND DOLLARS

CITY OF LAKE ELMO, State of Minnesota (the City) acknowledges itself to be indebted and for value received hereby promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above on the maturity date specified above and promises to pay interest thereon from the date of original issue specified above or from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, at the annual interest rate specified above, payable on February 1 and August 1 in each year, commencing August 1, 2005 (each such date, an Interest Payment Date), all subject to the provisions referred to herein with respect to the redemption of the principal of this Bond before maturity. The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the calendar month immediately preceding the Interest Payment Date. Interest hereon shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest hereon and, upon presentation and surrender hereof at the principal office of the Registrar described below, the principal hereof are payable in lawful money of the United States of America by check or draft drawn on Northland Trust Services, as bond registrar, transfer agent and paying agent, or its successor designated under the Resolution described herein (the Registrar), or other agreed-upon means of payment by the Registrar or its designated successor. For the prompt and full payment of such principal and interest as the same respectively become due, the full faith and credit and taxing powers of the City have been and are hereby irrevocably pledged.

This Bond is one of an issue (the Bonds) in the aggregate principal amount of \$4,090,000 issued pursuant to a resolution adopted by the City Council on October 19, 2004 (the Resolution), to finance the construction of a combined City Hall, Public Works Building and Fire Station of the City and is issued pursuant to and in full conformity with the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Chapter 475. The Bonds are issuable only in fully registered form, in the denomination of \$5,000 or any integral multiple thereof, of single maturities.

Bonds maturing in 2014 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select

and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of \$5,000, on February 1, 2013, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City shall cause notice of the call for redemption thereof to be published as required by law, and at least thirty (30) and not more than sixty (60) days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the registered holders of any Bonds, at the holders' addresses as they appear on the bond register maintained by the Bond Registrar, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS-
ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing in the years 20____ and 20____ shall be subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to the redemption date, without premium, on February 1 in each of the years shown below, in an amount equal to the following principal amounts:

<u>Term Bonds Maturing in 20--</u>		<u>Term Bonds Maturing in 20--</u>	
<u>Sinking Fund Payment Date</u>	<u>Aggregate Principal Amount</u>	<u>Sinking Fund Payment Date</u>	<u>Aggregate Principal Amount</u>
	\$		\$

Notice of redemption shall be given as provided in the preceding paragraph.]

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner's attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the designated transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to any such transfer or exchange.

The Bonds have been designated by the City as "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment as herein provided and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required; that, prior to the issuance hereof, the City Council has by the Resolution covenanted and agreed to levy ad valorem taxes upon all taxable property in the City, which taxes will be collectible for the years and in amounts sufficient to produce sums not less than five percent in excess of the principal of and interest on the Bonds when due, and has appropriated such taxes to its General Obligation Capital Improvement Plan Bonds, Series 2004A Bond Fund for the payment of principal and interest; that if necessary for payment of principal and interest, additional ad valorem taxes are required to be levied upon all taxable property in the City, without limitation as to rate or amount and that the issuance of this Bond, together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City has caused this Bond to be executed on its behalf by the facsimile signatures of its Mayor and City Manager.

CITY OF LAKE ELMO, MINNESOTA

(facsimile signature – Mayor) (facsimile signature – City Manager)

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

Date of Authentication: _____

NORTHLAND TRUST SERVICES,
as Registrar

By _____
Authorized Representative

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to the applicable laws or regulations:

TEN COM - as tenants in common	UTMA as Custodian for
	(Cust) (Minor)
TEN ENT - as tenants by the entirety	under Uniform Transfers to Minors Act
	(State)

JT TEN -- as joint tenants with right of survivorship and not as tenants in common

Additional abbreviations may also be used.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed: _____
Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE: _____

[end of bond form]

SECTION 3. GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2004A CONSTRUCTION FUND. There is hereby established on the official books and records of the City a separate fund designated the General Obligation Capital Improvement Plan Bonds, Series 2004A Construction Fund (the Construction Fund). To the Construction Fund there shall be credited from the proceeds of the Bonds, exclusive of unused discount, accrued and capitalized interest, if any, an amount equal to the estimated cost of the improvements. All proceeds of the Bonds deposited in the Construction Fund will be expended solely for the payment of the costs of the improvements, and all construction costs and expenses

for the improvements shall be paid from the Construction Fund. The City Manager shall maintain the Construction Fund until all costs and expenses incurred by the City in connection with the construction of the improvements have been paid. Any Bond proceeds remaining in the Construction Fund shall be credited to the General Obligation Capital Improvement Plan Bonds, Series 2004A Bond Fund.

SECTION 4. GENERAL OBLIGATION CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2004A BOND FUND. There is hereby established on the official books and records of the City a separate fund designated the General Obligation Capital Improvement Plan Bonds, Series 2004A Bond Fund (the Bond Fund). Into the Bond Fund shall be paid (a) the amounts specified in Section 3 above, (b) capitalized interest, accrued interest and unused bond discount, if any, received from the Purchaser upon delivery of the Bonds, (c) taxes collected pursuant to Section 5 hereof and (d) any other funds appropriated by the City Council for the payment of the Bonds. The money on hand in the Bond Fund from time to time shall be used only to pay the principal of and interest on the Bonds. If the balance on hand in the Bond Fund is at any time insufficient to pay principal and interest then due on the Bonds, such amounts shall be paid from other money on hand in other funds of the City, which other funds shall be reimbursed therefor when sufficient money becomes available in the Bond Fund. The Bond Fund shall be maintained until the City has paid, or made provision for the payment of, all of the principal of and interest on the Bonds.

There are hereby established two accounts in the Bond Fund, designated as the "Debt Service Account" and the "Surplus Account." There shall initially be deposited into the Debt Service Account upon the issuance of the Bonds the amount set forth in (b) above. Thereafter, during each Bond Year (i.e., each twelve month period commencing on February 2 and ending on the following February 1), as monies are received into the Bond Fund, the City Manager shall first deposit such monies into the Debt Service Account until an amount has been appropriated thereto sufficient to pay all principal and interest due on the Bonds through the end of the Bond Year. All subsequent monies received in the Bond Fund during the Bond Year shall be appropriated to the Surplus Account. If at any time the amount on hand in the Debt Service Account is insufficient for the payment of principal and interest then due, the City Manager shall transfer to the Debt Service Account amounts on hand in the Surplus Account to the extent necessary to cure such deficiency. Investment earnings (and losses) on amounts from time to time held in the Debt Service Account and Surplus Account shall be credited or charged to said accounts.

If the aggregate balance in the Bond Fund is at any time insufficient to pay all interest and principal then due on all Bonds payable therefrom, the payment shall be made from any fund of the City which is available for that purpose, subject to reimbursement from the Surplus Account in the Bond Fund when the balance therein is sufficient, and the City Council covenants and agrees that it will each year levy a sufficient amount of ad valorem taxes to take care of any accumulated or anticipated deficiency, which levy is not subject to any constitutional or statutory limitation.

SECTION 5. PLEDGE OF TAXING POWERS. For the prompt and full payment of the principal of and interest on the Bonds as such payments respectively come due, the full faith, credit and unlimited taxing powers of the City shall be and are hereby irrevocably pledged. In

order to produce aggregate amounts which will produce amounts not less than 5% in excess of the amounts needed to meet when due the principal and interest payments on the Bonds, ad valorem taxes are hereby levied on all taxable property in the City. The taxes will be levied and collected in years and amounts shown on the attached levy computation. Said taxes shall be irrevocable as long as any of the Bonds are outstanding and unpaid, provided that the City reserves the right and power to reduce said levies in accordance with the provisions of Minnesota Statutes, Section 475.61.

SECTION 6. DEFEASANCE. When all of the Bonds have been discharged as provided in this Section, all pledges, covenants and other rights granted by this Resolution to the Holders of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with the Registrar or with a bank qualified by law to act as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited for such purpose, bearing interest payable at such times and at such rates and maturing or callable at the holder's option on such dates as shall be required to pay all principal and interest to become due thereon to maturity or, if notice of redemption as herein required has been irrevocably provided for, to an earlier designated redemption date.

SECTION 7. TAX COVENANTS; ARBITRAGE MATTERS AND CONTINUING DISCLOSURE.

7.01. General Tax Covenant. The City agrees with the registered owners from time to time of the Bonds that it will not take, or permit to be taken by any of its officers, employees or agents, any action that would cause interest on the Bonds to become includable in gross income of the recipient under the Internal Revenue Code of 1986, as amended (the Code) and applicable Treasury Regulations (the Regulations), and agrees to take any and all actions within its powers to ensure that the interest on the Bonds will not become includable in gross income of the recipient under the Code and the Regulations. All proceeds of the Bonds deposited in the Construction Fund will be expended solely for the payment of the costs of the Improvements. The improvements financed by the Bonds (the Improvements) are and will be owned and maintained by the City and available for use by members of the general public on a substantially equal basis. The City shall not enter into any lease, management contract, use agreement, capacity agreement or other agreement with any non-governmental person relating to the use of the Improvements, or any portion thereof, or security for the payment of the Bonds which might cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

7.02. Arbitrage Certification. The Mayor and City Manager being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with Section 148 of the Code and applicable Regulations, stating the facts, estimates and

circumstances in existence on the date of issue and delivery of the Bonds which make it reasonable to expect that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of the Code and Regulations.

7.03. Arbitrage Rebate. (a) It is hereby found that the City has general taxing powers, that no Bond is a "private activity bond" within the meaning of Section 141 of the Code, that 95% or more of the net proceeds of the Bonds are to be used for local governmental activities of the City, and that the aggregate face amount of all tax-exempt obligations (other than private activity bonds) issued by the City and all subordinate entities thereof during the year 2004 is not reasonably expected to exceed \$5,000,000. Therefore, pursuant to Section 148(f)(4)(D) of the Code, the City shall not be required to comply with the arbitrage rebate requirements of paragraphs (2) and (3) of Section 148(f) of the Code.

(b) Notwithstanding the provisions of paragraph (a) of this Section 7.03, if the arbitrage rebate provisions of Section 148(f) of the Code apply to the Bonds, the City hereby covenants and agrees to make the determinations, retain records and rebate to the United States the amounts at the times and in the manner required by said Section 148(f) and applicable Regulations.

7.04. Reimbursement. The City certifies that the proceeds of the Bonds will not be used by the City to reimburse itself for any expenditure with respect to the Improvements which the City paid or will have paid more than sixty (60) days prior to the issuance of the Bonds unless, with respect to such prior expenditures, the City shall have made a declaration of official intent which complies with the provisions of Section 1.150-2 of the Regulations; provided that this certification shall not apply (i) with respect to certain de minimis expenditures, if any, with respect to the Improvements meeting the requirements of Section 1.150-2(f)(1) of the Regulations, or (ii) with respect to "preliminary expenditures" for the Improvements as defined in Section 1.150-2(f)(2) of the Regulations, including engineering or architectural expenses and similar preparatory expenses, which in the aggregate do not exceed 20% of the "issue price" of the Bonds.

7.05. Qualified Tax-Exempt Obligations. The City Council hereby designates the Bonds as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code relating to the disallowance of interest expense for financial institutions, and hereby finds that the reasonably anticipated amount of tax-exempt obligations which are not private activity bonds (not treating qualified 501(c)(3) bonds under Section 145 of the Code as private activity bonds for the purpose of this representation) and are not excluded from this calculation by Section 265(b)(3)(C)(ii) of the Code which have been and will be issued by the City and all subordinate entities during calendar year 2004 does not exceed \$10,000,000.

7.06 Continuing Disclosure. (a) Purpose and Beneficiaries. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the Rule), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the Outstanding Bonds. The City is the only obligated

person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. The City has complied in all material respects with any undertaking previously entered into by it under the Rule. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any Outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this section constitute a default under the Bonds or under any other provision of this resolution. As used in this section, Owner or Bondowner means, in respect of a Bond, the registered owner or owners thereof appearing in the bond register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, Beneficial Owner means, in respect of a Bond, any person or entity which (i) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bond (including persons or entities holding Bonds through nominees, depositories or other intermediaries), or (ii) is treated as the owner of the Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

- (1) on or before 365 days after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2004, the following financial information and operating data in respect of the City (the Disclosure Information):
 - (A) the audited financial statements of the City for such fiscal year, containing balance sheets as of the end of such fiscal year and a statement of operations, changes in fund balances and cash flows for the fiscal year then ended, showing in comparative form such figures for the preceding fiscal year of the City, prepared in accordance with generally accepted accounting principles promulgated by the Financial Accounting Standards Board as modified in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and
 - (B) to the extent not included in the financial statements referred to in paragraph (A) hereof, the information for such fiscal year or for the period most recently available of the type contained in the Official Statement under the headings:

City Property Values; City Indebtedness; and City Tax Rates, Levies and Collections.

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and, within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been submitted to each of the repositories hereinafter referred to under subsection (c) or the SEC. If the document incorporated by reference is a final official statement, it must be available from the Municipal Securities Rulemaking Board. The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect; provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

- (2) In a timely manner, notice of the occurrence of any of the following events which is a Material Fact (as hereinafter defined):
- (A) Principal and interest payment delinquencies;
 - (B) Non-payment related defaults;
 - (C) Unscheduled draws on debt service reserves reflecting financial difficulties;
 - (D) Unscheduled draws on credit enhancements reflecting financial difficulties;
 - (E) Substitution of credit or liquidity providers, or their failure to perform;
 - (F) Adverse tax opinions or events affecting the tax-exempt status of the security;
 - (G) Modifications to rights of security holders;
 - (H) Bond calls;
 - (I) Defeasances;
 - (J) Release, substitution, or sale of property securing repayment of the securities;
 - and
 - (K) Rating changes.

As used herein, a Material Fact is a fact as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally

available to the public. Notwithstanding the foregoing sentence, a Material Fact is also an event that would be deemed material for purposes of the purchase, holding or sale of a Bond within the meaning of applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

(3) In a timely manner, notice of the occurrence of any of the following events or conditions:

- (A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;
- (B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
- (C) the termination of the obligations of the City under this section pursuant to subsection (d);
- (D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared; and
- (E) any change in the fiscal year of the City.

(c) Manner of Disclosure. The City agrees to make available the information described in subsection (b) to the following entities by telecopy, overnight delivery, mail or other means, as appropriate:

- (1) the information described in paragraph (1) of subsection (b), to each then-nationally recognized municipal securities information repository under the Rule and to any state information depository then designated or operated by the State of Minnesota as contemplated by the Rule (the State Depository), if any;
- (2) the information described in paragraphs (2) and (3) of subsection (b), to the Municipal Securities Rulemaking Board and to the State Depository, if any; and
- (3) the information described in subsection (b), to any rating agency then maintaining a rating of the Bonds at the request of the City and, at the expense of such Bondowner, to any Bondowner who requests in writing such information, at the time of transmission under paragraphs (1) or (2) of this subsection (c), as the case may be, or, if such information is transmitted with a subsequent time of release, at the time such information is to be released.

(d) Term; Amendments; Interpretation.

- (1) The covenants of the City in this section shall remain in effect so long as any Bonds are Outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or

proceedings, the failure of the City to comply with the requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.

- (2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(3) hereof) or the consent of the Owners of any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

- (3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

SECTION 8. CERTIFICATION OF PROCEEDINGS.

8.01. Registration of Bonds. The City Manager is hereby authorized and directed to file a certified copy of this resolution with the County Auditor of Washington County and obtain a certificate that the Bonds and the taxes levied pursuant hereto have been duly entered upon the Auditor's bond register.

8.02. Authentication of Transcript. The officers of the City and the County Auditor are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records relating to the Bonds and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds, as the same appear from the books and records in their custody and control or as otherwise known to them, and all such certified copies, affidavits

and certificates, including any heretofore furnished, shall be deemed representations of the City as to the correctness of all statements contained therein.

8.03. Official Statement. The Official Statement relating to the Bonds, dated October ____, 2004, prepared and distributed by Northland Securities, Inc., the financial consultant for the City, is hereby approved. Northland Securities, Inc. is hereby authorized on behalf of the City to prepare and deliver within seven business days from the date hereof a supplement to the Official Statement listing the offering price, the interest rates, selling compensation, delivery date, the underwriters and such other information relating to the Bonds required to be included in the Official Statement by Rule 15c2-12 adopted by the SEC under the Securities Exchange Act of 1934. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

8.04. This resolution shall be in full force and effect from and after its passage.

PASSED AND APPROVED this 19th day of October, 2004.

THE CITY OF LAKE ELMO, MINNESOTA

PROJECTED TAX LEVIES

<u>Collection Year</u>	<u>Levy</u>
2005	
2006	
2007	
2008	
2009	
2010	
2011	
2012	
2013	
2014	
2015	
2016	
2017	
2018	
2019	
2020	
2021	
2022	
2023	
2024	
Total	

WASHINGTON COUNTY AUDITOR'S CERTIFICATE
AS TO REGISTRATION AND TAX LEVY

The undersigned, being the duly qualified and acting County Auditor of Washington County, Minnesota, hereby certifies that there has been filed in my office a certified copy of a resolution duly adopted on October 19, 2004, by the City Council of the City of Lake Elmo, Minnesota, setting forth the form and details of an issue of \$4,090,000 General Obligation Capital Improvement Plan Bonds, Series 2004A, dated as of November 1, 2004 and levying taxes for their payment.

I further certify that the issue has been entered on my bond register and the tax required by law for their payment has been levied and filed as required by Minnesota Statutes, Sections 475.51 to 475.74.

WITNESS my hand officially this _____ day of _____, 2004.

Washington County Auditor

(SEAL)

Monthly Operating Report

As of 10/19/2004 (Periods 1-10)					Comments
	Budget	Amount	Variance		
Mayor & Council					
Part-time Salaries	12,100	5,667	6,433		
FICA Contributions	750	584	166		
Medicare Contributions	176	137	39		
Travel Expense	450	3,750	-3,300		
Miscellaneous	4,000	14,884	-10,884		
Dues & Subscriptions	5,500	7,894	-2,394		
Conferences & Training	5,000	2,356	2,644		
Sub Total	27,976	35,271	-7,295		
Administration					
Full-time Salaries	124,020	83,094	40,926		
PERA Contributions	6,858	3,702	3,156		
FICA Contributions	7,689	5,368	2,321		
Medicare Contributions	1,798	1,255	543		
Health/Dental Insurance	21,834	14,383	7,451		
Workers Compensation	1,688	0	1,688		
Office Supplies	7,000	4,921	2,079		
Printed Forms	800	361	439		
Newsletter/Website	14,000	4,530	9,470		
Postage	9,500	6,673	2,827		
Travel Expense	1,500	564	936		
Legal Publishing	6,000	3,769	2,231		
Insurance	27,360	29,581	-2,221		Annual Premiums Paid
Cable Operation Expense	0	200	-200		
Miscellaneous	6,000	8,977	-2,977		Reclass by City Auditor (Revenue offset) \$4241
Dues & Subscriptions	1,500	1,835	-335		
Books	500	0	500		
Conferences & Training	2,500	290	2,210		
Transfer Out	70,500	0	70,500		
Sub Total	311,047	169,503	141,544		
Elections					
Part-time Salaries	7,000	192	6,808		
Office Supplies	100	0	100		
Printed Forms	300	0	300		
Travel Expense	50	0	50		
Miscellaneous	800	522	278		
Conferences & Training	0	38	-38		
Sub Total	8,250	751	7,499		

	Budget	Amount	Variance	Comments
Finance				
Full-time Salaries	41,432	22,620	18,812	
PERA Contributions	2,569	1,230	1,339	
FICA Contributions	2,291	1,469	822	
Medicare Contributions	601	344	257	
Health/Dental Insurance	7,318	3,646	3,672	
Office Supplies	800	0	800	
Printed Forms	1,000	28	972	
Software Support	4,000	2,519	1,481	
Hardware Support	2,000	1,664	336	
Software Programs	3,000	950	2,050	
Travel Expense	1,000	40	960	
Miscellaneous	200	421	-221	
Books	200	0	200	
Conferences & Training	1,000	815	185	
Sub Total	67,411	35,746	31,665	
Accounting Services	24,000	20,574	3,426	
Assessing Services	35,000	15,300	19,700	
City Attorney - Civil	15,000	27,123	-12,123	
City Attorney - Criminal	45,000	33,565	11,435	
Sub Total	60,000	60,688	-688	
Planning & Zoning				
Full-time Salaries	75,586	53,157	22,429	
PERA Contributions	4,180	4,594	-414	
FICA Contributions	4,686	3,431	1,255	
Medicare Contributions	1,096	802	294	
Health/Dental Insurance	11,686	9,435	2,251	
Workers Compensation	847	0	847	
Office Supplies	500	243	257	
Printed Forms	500	0	500	
Zoning Ordinance Dev - CDBG	0	8,777	-8,777	Expense offset by Grant received from Washington County \$ 49,666
Cimarron Study - CDBG	10,000	10,035	-35	
Comprehensive Planning	10,000	0	10,000	
Engineering Services	2,500	11,451	-8,951	
Legal Services	1,000	341	659	
Infiltration Project	0	14,363	-14,363	Expense offset by Grant received \$29,501.00
Old Village Tax Abatement	73,148	15,309	57,839	
Travel Expense	2,000	800	1,200	
Miscellaneous	200	114	86	
Dues & Subscriptions	500	710	-210	
Books	200	29	171	
Conferences & Training	2,500	990	1,510	
Sub Total	201,129	134,581	66,548	

	Budget	Amount	Variance	Comments
Engineering Services	26,000	14,414	11,586	
Attorney Fees	100,000	99,151	849	
Gov't Buildings				
Cleaning Supplies	500	197	303	
Building Repair Supplies	500	135	365	
Telephone	6,500	3,346	3,154	
Electric Utility	5,000	3,799	1,201	
Refuse	2,040	897	1,143	
Repairs/Maint Contractual Bldg	8,000	8,617	-617	
Repairs/Maint Contractual Eqpt	6,000	4,460	1,540	
Miscellaneous	400	477	-77	
Sub Total	28,940	21,928	7,012	
Law Enforcement Contract	322,000	160,718	161,282	
Transfer Out	15,000	0	15,000	
Sub Total	337,000	160,718	176,282	
Fire				
Full-time Salaries	17,434	9,453	7,981	
Part-time Salaries	93,850	58,540	35,310	
PERA Contributions	964	539	425	
FICA Contributions	5,583	5,796	-213	
Medicare Contributions	1,306	1,356	-50	
Health/Dental Insurance	3,127	1,339	1,788	
Workers Compensation	2,469	0	2,469	
Office Supplies	1,500	464	1,036	
Printed Forms	750	35	715	
EMS Supplies	2,000	0	2,000	
Fire Prevention	4,000	1,904	2,096	
Fuel	4,500	1,980	2,520	
Equipment Parts	0	348	-348	
Building Repair Supplies	1,000	270	730	
Small Tools & Equipment	1,200	1,028	172	
Physicals	2,000	3,253	-1,253	
Telephone	4,600	2,731	1,869	
Radio	7,500	5,763	1,737	
Travel Expense	2,000	1,777	223	
Vehicle Insurance	11,792	12,908	-1,116	Annual Premiums Paid
Electric Utility	4,400	3,180	1,220	
Repairs/Maint Contractual Bldg	7,000	5,255	1,745	
Repairs/Maint Contractual Eqpt	23,000	23,821	-821	Expense related to Vehicle Repairs & Maintenance
Rentals - Building	1,080	810	270	
Uniforms	9,500	3,035	6,465	

	Budget	Amount	Variance	Comments
Miscellaneous	1,300	4,162	-2,862	
Dues & Subscriptions	2,300	3,155	-855	
Books	200	0	200	
Conferences & Training	15,000	6,294	8,706	
Pension Contribution	41,000	0	41,000	
Fire State Aid	25,000	0	25,000	
Equipment	10,000	4,270	5,730	
Transfer Out	60,000	0	60,000	
Sub Total	367,355	163,466	203,889	
Building Inspection				
Full-time Salaries	113,365	86,710	26,655	
PERA Contributions	6,292	4,315	1,977	
FICA Contributions	7,029	5,557	1,472	
Medicare Contributions	1,644	1,299	345	
Health/Dental Insurance	23,588	14,164	9,424	
Workers Compensation	616	0	616	
Office Supplies	1,000	371	629	
Printed Forms	1,500	436	1,064	
Fuel	3,000	151	2,849	
Engineer Serv Utility Permits	3,000	0	3,000	
Plan Review Charges	5,000	0	5,000	
Surcharge Payments	13,500	2,947	10,553	
Telephone	0	838	-838	
Travel Expense	1,000	230	770	
Insurance	877	872	5	
Repairs/Maint Contractual Eqpt	500	2,422	-1,922	Repair to Building Vehicles
Rentals - Building	4,000	3,195	805	
Uniforms	600	157	443	
Miscellaneous	200	233	-33	
Dues & Subscriptions	300	829	-529	
Books	300	0	300	
Conferences & Training	2,500	310	2,190	
Transfer Out	5,000	0	5,000	
Sub Total	194,811	125,037	69,774	
Civil Defense	9,000	0	9,000	
Animal Control				
Printed Forms	500	0	500	
Contract Services	5,600	6,364	-764	
Impounding	6,000	4,180	1,820	
Miscellaneous	400	0	400	
Sub Total	12,500	10,544	1,956	

	Public Works	Budget	Amount	Variance	Comments
	Full-time Salaries	106,087	72,117	33,970	
	Part-time Salaries	0	900	-900	
	PERA Contributions	5,867	3,750	2,117	
	FICA Contributions	6,577	4,654	1,923	
	Medicare Contributions	1,538	1,088	450	
	Health/Dental Insurance	24,607	12,819	11,788	
	Workers Compensation	3,773	0	3,773	
	Office Supplies	300	28	272	
	Fuel	8,500	9,100	-600	Fuel Pricing Exceeding Budgeted projections
	Shop Materials	2,500	1,191	1,309	
	Equipment Parts	10,000	5,513	4,487	
	Building Repair Supplies	1,000	656	344	
	Street Maintenance Materials	22,500	5,777	16,723	
	Landscaping Materials	2,500	359	2,141	
	Sign Repair Materials	4,000	1,813	2,187	
	Sand/Salt	20,000	4,808	15,192	
	Small Tools & Minor Equipment	1,500	770	731	
	Engineering Services	2,000	0	2,000	
	Contract Services	22,500	28,403	-5,903	Street Sweeping=\$14,482 Gravel Road Graded=\$5761 Snow Plowing \$8160 (Last Season)
	Telephone	3,750	2,063	1,687	
	Radio	200	0	200	
	Travel Expense	500	30	470	
	Insurance	11,265	13,603	-2,338	Annual Premiums Paid
	Electric Utility	6,500	4,357	2,143	
	Refuse	250	942	-692	
	Repairs/Maint Contractual Bldg	2,000	1,028	972	
	Repairs/Maint Imp Not Bldgs	1,500	3,047	-1,547	Error in coding \$ 1843.00 belongs in Contract Services- \$ 1049.00 belongs in Water Account
	Repairs/Maint Contractual Eqpt	4,500	4,907	-407	
	Rentals - Buildings	1,500	0	1,500	
	Uniforms	900	761	139	
	Miscellaneous	2,000	2,062	-62	
	Dues & Subscriptions	500	150	350	
	Conferences & Training	500	100	400	
	Clean-up Days	9,500	11,283	-1,783	
	Other Equipment	12,250	21	12,229	
	Transfer Out	78,693	0	78,693	
	Sub Total	382,057	198,101	183,956	
	Street Lighting	16,800	13,341	3,459	

	Budget	Amount	Variance	Comments
Sanitation				
Recycling Supplies	6,000	0	6,000	
Newsletter	5,000	0	5,000	
Miscellaneous	7,100	1,613	5,487	
Sub Total	18,100	1,613	16,487	
Parks				
Full-time Salaries	58,215	35,905	22,310	
Part-time Salaries	23,550	18,566	4,984	
PERA Contributions	3,219	2,286	933	
FICA Contributions	5,069	3,494	1,575	
Medicare Contributions	1,186	817	369	
Health/Dental Insurance	9,916	4,764	5,152	
Workers Compensation	2,819	0	2,819	
Office Supplies	250	0	250	
Fuel	2,200	374	1,826	
Shop Materials	1,000	106	894	
Chemicals	500	338	162	
Equipment Parts	4,000	922	3,078	
Building Repair Supplies	1,000	183	817	
Landscaping Materials	10,000	3,860	6,140	
Small Tools & Minor Equipment	1,000	203	797	
Telephone	1,500	909	591	
Travel Expense	0	80	-80	
Insurance	2,900	3,084	-184	
Electric Utility	6,050	3,676	2,374	
Refuse	2,400	1,656	744	
Repairs/Maint Contractual Bldg	2,000	1,061	939	
Repairs/Maint Imp Not Bldgs	5,000	1,224	3,776	
Repairs/Maint Contractual Eqpt	1,000	600	400	
Rentals - Buildings	2,500	3,372	-872	Portable Public Restrooms
Uniforms	400	52	348	
Miscellaneous	100	128	-28	
Dues & Subscriptions	100	50	50	
Conferences & Training	400	0	400	
Transfer Out	16,500	0	16,500	
Sub Total	164,774	87,712	77,062	
General Fund Total	2,392,150	1,368,439	1,023,711	

	Budget	Amount	Variance	Comments
Water Enterprise Operating				
Full-time Salaries	61,939	57,820	4,119	
PERA Contributions	3,425	2,949	476	
FICA Contributions	3,840	3,698	142	
Medicare Contributions	898	865	33	
Health\Dental Insurance	9,171	8,111	1,060	
Workers Compensation	890	0	890	
Office Supplies	100	0	100	
Printed Forms	1,050	403	647	
Chemicals	2,000	765	1,235	
Utility System Maintenance	1,200	1,043	157	
Water Meters & Supplies	16,000	5,562	10,438	
Small Tools & Minor Equipment	197	255	-58	
Engineering Services	2,500	3,416	-916	
Software Support	4,000	379	3,621	
Telephone	2,000	965	1,035	
Postage	650	0	650	
Travel Expense	600	447	153	
Insurance	2,380	2,985	-605	
Electric Utility	12,000	10,641	1,359	
Water Utility	35,000	71,675	-36,675	City of Oakdale-Revenue offset Account
Repairs\Maint Imp Not Bids	1,000	3,861	-2,861	
Miscellaneous	5,000	1,426	3,574	
Conferences & Training	500	185	315	
Other Equipment	1,800	0	1,800	
Sub Total	168,140	177,450	-9,310	
Sewer Enterprise Operating				
Full-time Salaries	17,594	13,999	3,595	
PERA Contributions	973	694	279	
FICA Contributions	1,091	885	206	
Medicare Contributions	255	207	48	
Health\Dental Insurance	2,375	1,787	588	
Workers Compensation	328	0	328	
Utility System Maint Supplies	524	59	465	
Small Tools & Minor Equipment	200	0	200	
Engineering Services	1,500	5,772	-4,272	
Telephone	1,150	1,226	-76	
Travel Expense	0	50	-50	
Electric Utility	1,225	1,085	140	
Repairs\Maint Imp Not Bids	1,000	2,511	-1,511	
Miscellaneous Expenses	0	9,358	-9,358	
Conferences & Training	0	491	-491	
Sub Total	28,215	38,125	-9,910	

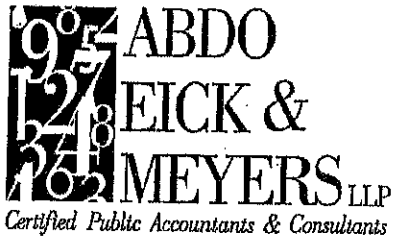
	Budget	Amount	Variance	Comments
Surface Water Utility				
Full-time Salaries	24,751	0	24,751	
PERA Contributions	1,369	0	1,369	
FICA Contributions	1,535	0	1,535	
Medicare Contributions	359	0	359	
Health/Dental Insurance	4,771	0	4,771	
Workers' Compensation	340	0	340	
Office Supplies	500	0	500	
Utility System Maint Supplies	2,162	0	2,162	
Small Tools & Minor Equipment	1,000	0	1,000	
Engineering Services	4,500	15,112	-10,612	
Erosion Control	2,100	0	2,100	
Software Support	1,000	4,050	-3,050	
Postage	1,576	515	1,061	
Contract Services	2,000	0	2,000	
Repairs/Maint Not Bldg	2,000	0	2,000	
Miscellaneous Expenses	0	348	-348	
Transfer Out	30,315	0	30,315	
Sub Total	80,278	20,025	60,253	
Total Enterprise Funds				
	276,633	235,600	41,033	
Grand Total	2,668,783	1,604,039	1,064,744	

Monthly Operations Report - Revenue

of October 2004

Account Number	Description	2004 Budget	2004 Amount	2004 Variance
101-000-0000-31010	Current Ad Valorem Taxes	\$1,717,847.00	\$912,022.66	\$805,824.34
101-000-0000-31030	Mobile Home Tax	\$0.00	\$0.00	\$0.00
101-000-0000-31040	Fiscal Disparities	\$0.00	\$0.00	\$0.00
101-000-0000-31050	Tax Abatement	\$0.00	\$0.00	\$0.00
101-000-0000-32110	Liquor License	\$9,000.00	\$0.00	\$9,000.00
101-000-0000-32180	Wastehauler License	\$140.00	\$140.00	\$0.00
101-000-0000-32181	General Contractor License	\$175.00	\$1,870.00	-\$1,695.00
101-000-0000-32183	Heating Contractor License	\$1,220.00	\$945.00	\$275.00
101-000-0000-32184	Blacktopping Contractor Licens	\$35.00	\$0.00	\$35.00
101-000-0000-32210	Building Permits	\$176,000.00	\$116,520.52	\$59,479.48
101-000-0000-32215	Surcharge	\$10,154.00	\$0.00	\$10,154.00
101-000-0000-32220	Heating Permits	\$9,000.00	\$5,855.25	\$3,144.75
101-000-0000-32230	Plumbing Permits	\$7,000.00	\$7,204.75	-\$204.75
101-000-0000-32231	Sewer Permits	\$4,000.00	\$700.00	\$3,300.00
101-000-0000-32240	Animal License	\$1,500.00	\$1,287.00	\$213.00
101-000-0000-32250	Utility Permits	\$800.00	\$1,241.72	-\$441.72
101-000-0000-32260	Burning Permit	\$900.00	\$1,030.00	-\$130.00
101-000-0000-33130	CDBG Old Village	\$10,000.00	\$24,865.91	-\$14,865.91
101-000-0000-33418	MSA - Maintenance	\$0.00	\$16,680.00	-\$16,680.00
101-000-0000-33420	State Fire Aid	\$25,000.00	\$0.00	\$25,000.00
101-000-0000-33422	PERA Aid	\$2,750.00	\$1,374.50	\$1,375.50
101-000-0000-33425	METC Infiltration Grant	\$0.00	\$29,501.41	-\$29,501.41
101-000-0000-33426	Miscellaneous State Grants	\$0.00	\$116,343.00	-\$116,343.00
101-000-0000-33620	Gravel Tax	\$4,000.00	\$2,607.18	\$1,392.82
101-000-0000-33621	Recycling Grant	\$25,000.00	\$0.00	\$25,000.00
101-000-0000-34103	Zoning & Subdivision Fees	\$10,000.00	\$81,325.00	-\$71,325.00
101-000-0000-34104	Plan Check Fees	\$62,000.00	\$36,713.61	\$25,286.39
101-000-0000-34105	Sale of Copies, Books, Maps	\$500.00	\$1,281.05	-\$781.05
101-000-0000-34107	Assessment Searches	\$500.00	\$270.00	\$230.00
101-000-0000-34109	Clean Up Days	\$5,000.00	\$4,984.00	\$16.00
101-000-0000-34111	Cable Operation Reimbursement	\$1,920.00	\$16,239.94	-\$14,319.94
101-000-0000-35100	Fines	\$60,000.00	\$33,771.32	\$26,228.68
101-000-0000-36200	Miscellaneous Revenue	\$34,000.00	\$13,843.93	\$20,156.07
101-000-0000-36205	Reimbursements	\$0.00	\$0.00	\$0.00
101-000-0000-36210	Interest Earnings	\$140,000.00	\$19,903.91	\$120,096.09
101	General Fund Total	\$2,318,441.00	\$1,448,521.66	\$869,919.34
601-000-0000-37100	Water Sales	\$162,640.00	\$148,425.11	\$14,214.89
601-000-0000-37150	Water Connections - Municipal	\$34,000.00	\$1,700.00	\$32,300.00
601-000-0000-37155	Water Connections - Oakdale	\$17,000.00	\$0.00	\$17,000.00
601-000-0000-37170	Meter Sales	\$5,500.00	\$2,675.00	\$2,825.00
601-000-0000-37180	Tower Rent	\$26,500.00	\$24,885.49	\$1,614.51
	Total Water Enterprise Fund	\$245,640.00	\$177,685.60	\$67,954.40
	Sewer Enterprise Funds			
602-000-0000-37200	Sewer Sales	\$28,215.00	\$37,971.35	-\$9,756.35
602-000-0000-37250	Connection Fees Regional	\$17,000.00	\$1,125.50	\$15,874.50
602-000-0000-37260	Connection Fees Municipal	\$2,250.00	\$0.00	\$2,250.00
	Total Sewer Enterprise Fund	\$47,465.00	\$39,096.85	\$8,368.15
603-000-0000-37100	Surface Water Utility Sales	\$0.00	\$71,378.11	-\$71,378.11

Lake Elmo City Council 10-19-2004	Agenda Section: FINANCE	<u>No.</u> 5C
<u>Agenda Item:</u> City Audit		
<p><u>Background Information for October 19, 2004:</u> The City Staff requested a mid-year audit in preparation for GASB34 requirements and to alleviate the amount of work for the Annual Year-End Audit. This also afforded the new City Administrator to address any past concerns raised by the City's Audit firm findings.</p> <p>Attached please find a summary letter of the results of the work completed by Abdo, Eick & Meyers, LLP. After reviewing the report, I have no major issues to raise as a result of their conclusions. A major portion of the report findings have been resolved and I anticipate the Annual Year-End Audit will be more efficient as a result of this audit.</p>		
<u>Action Items:</u> NONE	<u>Person responsible:</u> Tom Bouthilet	
<u>Attachments:</u> 1. Abdo, Eick & Meyers, LLP Audit Letter		



October 11, 2004

Grandview Square
5201 Eden Avenue
Suite 370
Edina, MN 55436

Honorable Mayor and City Council
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota 55042

Dear Honorable Mayor and City Council:

We have summarized the work completed by Abdo, Eick & Meyers, LLP (the Firm) for the City of Lake Elmo (the City) through August 31, 2004 below:

- The audit entries for the December 31, 2003 audit were not recorded in the City's accounting system. We assisted in the entry and reversal.
- The payables and receivables set up at the December 31, 2003 audit had not been reversed. They were reversed by the Firm.
- We also reconciled the investments and made all the entries to tie out the investments as of July 31, 2004.
- We reviewed the activity in the accounts of each fund through June 30, 2004. Most of the transactions appeared reasonable and consistent with our expectations.
- The City is making good progress on the work necessary to implement GASB 34. It appears that the property and buildings are scheduled except for a few acquisition dates. The vehicles and equipment list has been started and needs to be updated. Program revenue assignments need to be completed. The format has been agreed to between the City and the Firm.
- The 2003 annual financial report of the Fireman's Relief Association was reviewed for any potential concerns that the City would need to be aware of. We noted that the assets exceeded the potential liability for retirements at the end of the year and there were no significant findings in the report.

We appreciate the opportunity to assist the City. Please call if you have questions.
Sincerely,

ABDO, EICK & MEYERS, LLP
Certified Public Accountants

Steven R. McDonald, CPA

7A.

Summary Building Report

September-2004			Year to Date		
	Permits Issued	Valuation		Permits Issued	Valuation
New Residential	2	\$1,500,000.00	New Residential	12	\$7,406,468.00
New Commercial	2	\$400,000.00	New Commercial	8	\$1,800,000.00
Other Residential	48	\$701,064.00	Other Residential	299	\$3,590,375.00
Other Commercial	2	\$97,780.00	Other Commercial	23	\$1,053,263.00
Total	54	\$2,698,844.00	Total	342	\$13,850,106.00
Total Building Fees Collected		\$31,352.81	Total Building Fees Collected		\$176,446.15

Summary Plumbing Report

Summary Plumbing Report

Plumbing	10	\$168,600.00	Plumbing	88	\$812,754.00
Total Plumbing Fees Collected		\$653.00	Total Plumbing Fees Collected		\$5,989.25

Summary HVAC Report

Summary HVAC Report

HVAC	20	\$145,685.00	HVAC	99	\$503,373.00
Total HVAC Fees Collected		\$1,360.00	Total HVAC Fees Collected		\$6,802.75

Summary Grand Total Fees

Summary Grand Total Fees

Summary Grand Total Fees	\$33,365.81	Summary Grand Total Fees	\$189,238.15
Surcharge Fee Paid to State	\$1,298.19	Surcharge Fee Paid to State	\$6,814.97
SAC Fees Paid to Met Council		SAC Fees Paid to Met Council	\$9,058.40
WAC Fees Paid to Oakdale		WAC Fees Paid to Oakdale	\$0.00
Misc. Expenses		Misc. Expenses	\$0.00
Total Fees Retained	\$32,067.62	Total Fees Retained	\$173,364.78
Credit Fees to Bldg	\$32,067.62	Credit Fees to Bldg	\$172,589.28
Credit Fees to Water		Credit Fees to Water	\$400.00
Credit Fees to Sewer		Credit Fees to Sewer	\$375.50

Building Permit Detail Summary

September 01, 2004 Through September 30, 2004

Occupancy

Class Of Work:

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4306		9/21/2004		0
Totals for Class Of Work:				Sum of Valuation = 0

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4320	accessory structure	9/28/2004	Accessory Building	800
Totals for Class Of Work: Add				Sum of Valuation = 800

Totals for Occupancy:

Number of Permits = 2				Sum of Valuation = 800
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Occupancy B

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4275	Sign	9/8/2004	Commercial	100
Totals for Class Of Work: Add				Sum of Valuation = 100

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4286	Commercial	9/10/2004	Commercial	200,000
4285	Commercial	9/10/2004	Office Building	200,000

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

Totals for Occupancy: B Number of Permits = 3 Sum of Valuation = 400,100

Occupancy U-1

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4323	Garage	9/28/2004	Accessory Building	10,000

Totals for Class Of Work: Add Number of Permits = 1 Sum of Valuation = 10,000

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4289	mobile home setup	9/13/2004	Single Family Dwelling	15,000

Totals for Class Of Work: Remodel Number of Permits = 1 Sum of Valuation = 15,000

Class Of Work: Demolition

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4310	demolition	9/21/2004	Single Family Dwelling	2,100

Totals for Class Of Work: Demolition Number of Permits = 1 Sum of Valuation = 2,100

Totals for Occupancy: U-1 Number of Permits = 3 Sum of Valuation = 27,100

Occupancy R-3

Class Of Work: Add

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4304	heating	9/21/2004	Single Family Dwelling	4,950
4303	septic	9/21/2004	Accessory Building	30,000
4294	Garage	9/15/2004	Single Family Dwelling	30,000
4268	mobile home setup	9/1/2004	Single Family Dwelling	1,500
4298	driveway	9/16/2004	Single Family Dwelling	3,700
4311	accessory structure	9/22/2004	Accessory Building	9,000
4293	swimming pool	9/13/2004	Single Family Dwelling	20,000
4288	mobile home setup	9/13/2004	Single Family Dwelling	19,000
4326	Deck	9/28/2004	deck	1,600
4333	Deck	9/30/2004	Single Family Dwelling	6,500
4331	addition & remodel (Inclid plimg & hvac)	9/29/2004	Single Family Dwelling	48,115
4270	heating	9/1/2004	Single Family Dwelling	0
4316	addition	9/24/2004	Single Family Dwelling	9,000
4273	Fireplace	9/3/2004	Single Family Dwelling	2,300
4317	driveway	9/27/2004	Single Family Dwelling	8,600
4277	Sign	9/8/2004		2,000
4278	deck/ porch	9/8/2004	Single Family Dwelling	50,700
4322	Porch	9/28/2004	Single Family Dwelling	18,300
4280	Deck	9/8/2004	Single Family Dwelling	8,000

4284	addition		9/10/2004	Single Family Dwelling	30,000	
4300	mobile home setup		9/21/2004	Single Family Dwelling	3,000	
4272	Gasline		9/3/2004	Single Family Dwelling	1,200	
Totals for Class Of Work: Add					Sum of Valuation =	307,465

Class Of Work: Remodel

Permit #	Description of Work	Date Issued	Use of Building	Valuation		
4290	Remodel (including plmg&Htg)	9/13/2004	Single Family Dwelling	13,250		
4291	window replacement	9/13/2004	Single Family Dwelling	8,000		
4292	window replacement	9/13/2004	Single Family Dwelling	6,369		
4319	Fireplace	9/27/2004	Single Family Dwelling	5,500		
4302	Fireplace	9/21/2004	Single Family Dwelling	1,100		
4305	window replacement	9/21/2004	Single Family Dwelling	18,866		
4312	Remodel (including plmg&Htg)	9/23/2004	Single Family Dwelling	5,000		
4329	window replacement	9/29/2004	Single Family Dwelling	3,114		
4318	Remodel (including plmg&Htg)	9/27/2004	Single Family Dwelling	3,800		
4301	Siding	9/21/2004	Single Family Dwelling	8,500		
4324	Basement finish (includes plmg&htg)	9/28/2004	Single Family Dwelling	100,000		
Totals for Class Of Work: Remodel					Sum of Valuation =	173,499

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4334	New House	9/30/2004	Single Family Dwelling	1,250,000
4271	New House	9/2/2004	Single Family Dwelling	250,000
Totals for Class Of Work: New				Sum of Valuation = 1,500,000

Class Of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4330	reroof	9/29/2004	Single Family Dwelling	15,000
4326	driveway	9/29/2004	Single Family Dwelling	5,000
4274	repair	9/7/2004	Single Family Dwelling	5,000
4327	reroof	9/29/2004	Single Family Dwelling	4,000
4282	stucco	9/9/2004	Single Family Dwelling	150,000
4315	window replacement	9/23/2004	Single Family Dwelling	4,000
4297	reroof	9/16/2004	Single Family Dwelling	2,900
Totals for Class Of Work: Repair				Sum of Valuation = 185,900

Class Of Work: Demolition

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4296	demolition	9/15/2004	Single Family Dwelling	2,100
4309	demolition	9/21/2004	Single Family Dwelling	2,100
4279	demolition	9/8/2004	Single Family Dwelling	2,100
Totals for Class Of Work: Demolition				Sum of Valuation = 6,300
Totals for Occupancy: R-3			Number of Permits = 45	Sum of Valuation = 2,173,164

Occupancy S-2

Class Of Work: Repair

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4325	accessory structure	9/28/2004	Commercial	97,680

Totals for Class Of Work: Repair Number of Permits = 1 Sum of Valuation = 97,680

Totals for Occupancy: S-2 Number of Permits = 1 Sum of Valuation = 97,680

Grand Total for All Permits Issued: Number of Permits 54 Total Valuation = 2,698,844

Building Permit Detail Summary

Occupancy R-3

Class Of Work: New

Permit #	Description of Work	Date Issued	Use of Building	Valuation
4334	New House	9/30/2004	Single Family Dwelling	1,250,000
4271	New House	9/2/2004	Single Family Dwelling	250,000

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

Totals for Occupancy: R-3 Number of Permits = 2

Sum of Valuation =

Sum of Valuation = 1,500,000

Grand Total for All Permits Issued:

Number of Permits = 2

Total Valuation = 1,500,000

*City of Lake Elmo
Building Department*

Plumbing Permit Detail Summary

September 01, 2004 Through September 30, 2004

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
4271	new resd plmg & sewer/septic	9/2/2004	35,000
4285	New Commercial	9/10/2004	20,000
4286	New Commercial	9/10/2004	20,000
4161	new resd plmg & sewer/septic	9/15/2004	30,000
4295	alter septic	9/15/2004	3,000
4303	Install Septic	9/21/2004	2,600
4306	alter septic	9/21/2004	13,000
4313	Septic	9/23/2004	5,000
4331	alter resd plmg	9/29/2004	0
4334	new resd plmg & sewer/septic	9/30/2004	40,000

Number of Permits 10

Total Valuation = 168,600

*City of Lake Elmo
Building Department*

HVAC Permit Detail Summary

September 01, 2004 Through September 30, 2004

<i>Permit #</i>	<i>Description of Work</i>	<i>Date Issued</i>	<i>Valuation</i>
4269	alter resd hvac	9/1/2004	5,500
4270	alter resd hvac	9/1/2004	3,500
4271	HVAC-residential	9/2/2004	16,000
4272	Gasline	9/3/2004	1,200
4276	alter resd hvac	9/8/2004	3,200
4281	alter resd hvac	9/8/2004	3,000
4283	alter resd hvac	9/9/2004	5,300
4285	New Commercial	9/10/2004	30,000
4286	New Commercial	9/10/2004	30,000
4287	New Resd Heating	9/13/2004	1,000
4161	HVAC-residential	9/15/2004	15,000
4299	alter resd hvac	9/16/2004	1,000
4304	HVAC-residential	9/21/2004	4,950
4307	Gasline	9/21/2004	200
4308	Gasline	9/21/2004	200
4314	alter resd hvac	9/23/2004	2,400
4321	alter resd hvac	9/28/2004	5,000
4331	alter resd hvac	9/29/2004	0
4332	Gasline	9/30/2004	235
4334	HVAC-residential	9/30/2004	18,000

Permit #

Description of Work

Date Issued

Valuation

Number of Permits 20

Total Valuation = 145,685

**City of Lake Elmo
Building Department**

Building Permit Fees

September 01, 2004 Through September 30, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	AC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
9/1/2004	4268	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/1/2004	4269	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/1/2004	4270	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/2/2004	4271	\$1,833.75	\$125.00	\$1,191.94	\$126.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/3/2004	4272	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/3/2004	4273	\$83.25	\$1.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/7/2004	4274	\$111.25	\$2.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/8/2004	4275	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/8/2004	4277	\$0.00	\$0.00	\$0.00	\$226.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/8/2004	4278	\$650.75	\$25.35	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/8/2004	4279	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/8/2004	4280	\$153.25	\$4.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/9/2004	4282	\$1,273.75	\$75.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/9/2004	4283	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/10/2004	4284	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/10/2004	4285	\$1,553.75	\$100.00	\$1,009.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/10/2004	4286	\$1,553.75	\$100.00	\$1,009.94	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/13/2004	4288	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/13/2004	4289	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/13/2004	4290	\$237.25	\$6.62	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/13/2004	4291	\$153.25	\$4.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/13/2004	4292	\$139.25	\$3.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Monday, October 04, 2004

**City of Lake Elmo
Building Department**

Building Permit Fees

September 01, 2004 Through September 30, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigation	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
9/13/2004	4293	\$321.25	\$10.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/15/2004	4294	\$442.25	\$15.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/15/2004	4296	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/16/2004	4297	\$83.25	\$1.45	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/16/2004	4298	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/16/2004	4299	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4300	\$0.00	\$0.00	\$0.00	\$75.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4301	\$167.25	\$4.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4302	\$41.80	\$0.55	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4303	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4304	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4305	\$307.25	\$9.43	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4306	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4308	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4309	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/21/2004	4310	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/22/2004	4311	\$167.25	\$4.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/23/2004	4312	\$111.25	\$2.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/23/2004	4313	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/23/2004	4315	\$97.25	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/24/2004	4316	\$167.25	\$4.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/27/2004	4317	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**City of Lake Elmo
Building Department**

Building Permit Fees

September 01, 2004 Through September 30, 2004

Date	Permit #	Permit Fee	Surcharge	Plan Review	Other	Investigator	SAC Fee	Sewer Fee	WAC Fee	Meter	Sales Tax
9/27/2004	4318	\$97.25	\$1.90	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/27/2004	4319	\$125.25	\$2.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/28/2004	4320	\$32.65	\$0.40	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/28/2004	4322	\$307.25	\$9.15	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/28/2004	4323	\$181.25	\$5.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/28/2004	4324	\$993.75	\$50.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/28/2004	4325	\$979.75	\$48.84	\$636.84	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/28/2004	4326	\$57.05	\$0.80	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/29/2004	4327	\$97.25	\$2.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/29/2004	4328	\$0.00	\$0.00	\$0.00	\$50.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/29/2004	4329	\$97.25	\$1.56	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/29/2004	4330	\$251.25	\$7.50	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/29/2004	4331	\$634.15	\$24.06	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/30/2004	4332	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/30/2004	4333	\$139.25	\$3.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
9/30/2004	4334	\$6,521.25	\$625.00	\$4,238.81	\$126.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Totals:		\$20,806.15	\$1,298.19	\$8,087.47	\$1,361.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

Grand Total of Building Related Fees Collected: \$31,352.81

*City of Lake Elmo
Building Department*

Plumbing Permit Fees

September 01, 2004 Through September 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
9/2/2004	4271	\$100.00	\$0.50
9/10/2004	4285	\$150.00	\$0.50
9/10/2004	4286	\$150.00	\$0.50
9/15/2004	4161	\$100.00	\$0.50
9/15/2004	4295	\$0.00	\$0.00
9/21/2004	4303	\$0.00	\$0.00
9/21/2004	4306	\$0.00	\$0.00
9/23/2004	4313	\$0.00	\$0.00
9/29/2004	4331	\$50.00	\$0.50
9/30/2004	4334	\$100.00	\$0.50
Totals:		\$650.00	\$3.00

Grand Total of Plumbing Fees Collected: \$653.00

*City of Lake Elmo
Building Department*

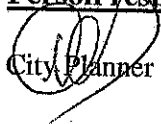
HVAC Permit Fees

September 01, 2004 Through September 30, 2004

<i>Date</i>	<i>Permit #</i>	<i>Permit Fee</i>	<i>Surcharge</i>
9/1/2004	4269	\$50.00	\$0.50
9/1/2004	4270	\$50.00	\$0.50
9/2/2004	4271	\$100.00	\$0.50
9/3/2004	4272	\$50.00	\$0.50
9/8/2004	4276	\$50.00	\$0.50
9/8/2004	4281	\$50.00	\$0.50
9/9/2004	4283	\$50.00	\$0.50
9/10/2004	4285	\$150.00	\$0.50
9/10/2004	4286	\$150.00	\$0.50
9/13/2004	4287	\$50.00	\$0.50
9/15/2004	4161	\$100.00	\$0.50
9/16/2004	4299	\$50.00	\$0.50
9/21/2004	4304	\$50.00	\$0.50
9/21/2004	4307	\$50.00	\$0.50
9/21/2004	4308	\$50.00	\$0.50
9/23/2004	4314	\$50.00	\$0.50
9/28/2004	4321	\$50.00	\$0.50
9/29/2004	4331	\$50.00	\$0.50
9/30/2004	4332	\$50.00	\$0.50
9/30/2004	4334	\$100.00	\$0.50

Totals: \$1,350.00 \$10.00

Grand Total of HVAC Fees Collected: \$1,360.00

<p>Lake Elmo City Council October 19, 2004</p>	<p>Agenda Section: Planning, Land Use & Zoning</p>	<p><u>No.</u> 9A</p>
<p>Agenda Item: Planning Commission Leave of Absence</p>		
<p><u>Background Information for October 19, 2004:</u></p> <p>Planning Commission Member Jennifer Pelletier has requested a Leave of Absence from her Planning Commission duties until the end of January, 2005 to enable her to devote full time to her task of bringing a new resident to Lake Elmo (call it medical). The Council has previously approved planned/requested Leaves of Absence of similar duration. While the Commission will miss Jennifer's contributions during this time period, making a meeting quorum should not be a problem with a full complement of commissioners now in place.</p>		
<p><u>Action items:</u></p> <p>Motion to approve a Leave of Absence from the Planning Commission to Jennifer Pelletier through the end of January, 2005.</p>	<p><u>Person responsible:</u></p> <p> City Planner</p>	
<p><u>Attachments:</u></p> <p>None</p>	<p><u>Time Allocated:</u></p>	

Lake Elmo
City Council
October 19,
2004

Agenda Section: Planning, Land Use & Zoning

No. 9B

Agenda Item: Lot Area Variances/Minor Subdivision – Tauer/Pechan

Background Information for October 17, 2004:

At its meeting October 13, 2004 the Planning Commission conducted a Public Hearing and unanimously adopted a recommendation to approve this application to rearrange metes and bounds property lines with the Animal Inn complex to combine two existing tax parcels into one; and, then detach .63 acres of the combined (new) parcel and add that detached portion to a third adjoining parcel (Pechan) – not as complicated as it may sound. Mr. Tauer advised the Commission that he has been allowing Mr. Pechan to use the .63 areas for truck turning, but now intends to sell his Animal Inn real estate, and has reached an agreement with Mr. Pechan for Pechan to purchase the that has been just used (as a good neighbor) over the years.

The zoning variances relate only to the fact that all three parcels involved in the Minor Subdivision action are non-conforming as to parcel area; and the resulting two parcels will be as well (although less so). The Commission recommends both actions (Division and Variance) be concurrent. No Planning Commission draft Minutes are available as of this writing due to the Wednesday Planning Commission meeting (normally Monday).

Action items:

Motion to adopt Resolution 2004 ⁰⁹¹ --, approving a Minor Subdivision and variances for Tauer/Pechan

Person responsible:

City Planner 

Attachments:

- 1. Draft Resolution 2004 ⁰⁹¹ – Approving Division/Variations
- 2. Planning Staff Report of October 7, 2004
- 3. Applicants' Documentation

Time Allocated:

City of Lake Elmo
Washington County, Minnesota

Resolution No. 2004-091

**A RESOLUTION GRANTING A VARIANCE TO LOT AREA
AND FOR A MINOR SUBDIVISION TO**

**Donald J. Tauer and Joan E. Tauer
AND
Walter Pechan**

WHEREAS, Donald J. Tauer of Animal Inn, has made application to the City of Lake Elmo for a Variance to Lot Size for a Minor Subdivision pursuant to Section 400.11 and under Section 300.07 Subd.4.A.4. (Table) of the Lake Elmo Municipal Code to combine the following two parcels of land:

8633 34th Street, generally described as Property I.D. No. 16.029.21.42.0005
8611 34th Street, generally described as Property I.D. No. 16.029.21.42.0004

And then subdivide a small area to be consolidated with a third parcel located at:

8603 34th Street, generally described as Property I.D. No. 16029.21.42.0002.

(Legal Descriptions Attached)

WHEREAS, the Lake Elmo Planning Commission considered this Variance and Minor Subdivision request at its October 13, 2004 meeting, and recommended that the Variance and Minor Subdivision be granted in accordance with the following Findings:

1. The property cannot be put to reasonable use without the granting of the variances requested. Reasonable use can here be defined in the context of historic approval Limited Business parcel area well below the minimum area today required in the Limited Business district.
2. The variance requested results from circumstances unique to these properties where land divisions were approved prior to adoption of City zoning and subdivision regulations, and the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

WHEREAS, the Lake Elmo City Council reviewed the Variance and Minor Subdivision at its October 19, 2004 meeting.

NOW, THEREFORE, BE IT RESOLVED that a Variance to lot size and a Minor Subdivision is hereby granted by the City Council to Donald Tauer resulting in the following parcels:

**Proposed Descriptions:
PARCEL A and PARCEL B
(Legal Descriptions Attached)**

ADOPTED by the Lake Elmo City Council this 19th day of October, 2004.

ATTEST:

Lee Hunt, Mayor

Martin Rafferty, City Administrator

**LAKE ELMO PLANNING COMMISSION
STAFF REPORT**

Date: October 7, 2004 for the Meeting of October 13, 2004

Applicant: Tauer, et al (Animal Inn) and Walter Pechan

Location: South of State Highway 5 at Irish Avenue

Requested Action: Minor Subdivision/Lot Area Variance

Land Use Plan Guiding: Limited Business

Existing Zoning: LB (part) and AG (Part)

Site History and Existing Conditions:

The site history involving what has become a complex of related uses begins in 1969 (as an East Oakdale Township Special Use Permit for a kennel), and extends/expands thereafter into several related uses on separate tax parcels under changing ownership – history, little of which appears germane to the applications here under consideration. The metes and bounds property division (not platting) of this area pre-dates current (or any for that matter) City platting and zoning regulations.

Staff has prepared a map of this overall site, with the parcels numbered rather than lettered to avoid confusion with the applicant's documentation. Applicant Tauer is the owner of record of parcels 2, 4, 5, 6 and 8 (per County records) . Applicant Pechan is the owner of Parcel 1. Others own parcels 3 and 7.

All parcels are zoned AG except Parcel 1, which is zoned LB. The AG zoning of the other 7 parcels relates to the existing Conditional Use Permit for kennels and other animal related uses that are existing on several (Parcel 4 is virtually all Wetlands, and Parcel 8 is the private access road serving all parcels). Those kennel-related uses may only be carried on in the AG district with a CUP. The entire site is land use guided Limited Business. Here again, historic uses of the site dictate the actual zoning – AG for most of the site to avoid non-conforming use circumstances (and legal clouds) on the property so used.

Parcel 1 contains a woodworking shop that was constructed in the late 1990's responsive to a Section 501 Site Plan . An addition to the shop was approved somewhat later responsive to a Site Plan amendment.

All of the AG zoned parcels are non-conforming as to lot area in the AG district (40 acres). The LB zoned parcel at 2.04 acres is also non-conforming as to lot area in the LB district (3.5 acres required).

Discussion and Analysis:

The applicants propose three concurrent Minor Subdivision actions:

1. The combination of Parcel 2 with Parcel 8 to create a "new" AG parcel of 3.17 acres.

2. The division of the above-combined parcel into parcels of .63 acres (west) and 2.54 acres (east).
3. The combination of the (above) created .63 acre parcel with Parcel 1, resulting in a new parcel of 2.67 acres.

As a result of those actions, "new" parcels that are non-conforming as to parcel area would be created (leading to the variance application); and, one resulting parcel (Parcel 1, plus the west portion of Parcel 2) with two zoning districts (AG and LB).

The "gremlin" of historic actions (former township actions, as often is the case) again visits the City and property owners proposing what otherwise would be a simple Lot Line Adjustment action. Staff has not been advised what use applicant Pechan has in mind for his additional .63 acres of parcel area. Since, however, that addition to his site would best remain AG zoned (at least for now), no structures in any manner related to the woodworking business (or any other business) could be located there.

The key to the Minor Subdivision proposal (itself a simple matter) is the variance(s) for parcel area of the resulting parcels. We note that, in both cases, the resulting parcels will be less non-conforming than the existing parcels (disregarding the zoning issue to avoid complexity) – even though only less non-conforming by a small measure. That fact, and the overall basket of problems inherited by the City and the land owners from long ago township actions, would appear to support a Finding of hardship in support of the requested variances.

Findings and Recommendations:

With respect to the parcel area variances, Staff suggests the Commission consider the following Findings:

1. The property can not be put to reasonable use without the granting of the variances requested. Reasonable use can here be defined in the context of historic approval Limited Business parcel area well below the minimum area today required in the Limited Business district.
2. The variance requested results from circumstances unique these properties where land divisions were approved prior to adoption of City zoning and subdivision regulations; and, the circumstances of the variance were not solely created by the applicant.
3. Granting of the variance will not change the essential character of the neighborhood.

Staff recommends the approval of the parcel area variances based on the foregoing Findings. We also recommend approval of the Minor Subdivision actions to create the "new" parcels A and B per the applicant's survey, and legal descriptions staff dated October 7, 2004.

Finally, we recommend no immediate actions regarding the resulting zoning "split" of new Parcel A – pending City-wide zoning structure amendments that are forthcoming. Applicant Pechan should be advised and understand, however, that no building permits will be issued on new Parcel A for structures on the .63 acre parcel appended to Parcel A as the result of this Minor Subdivision approval – for now.

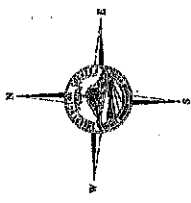
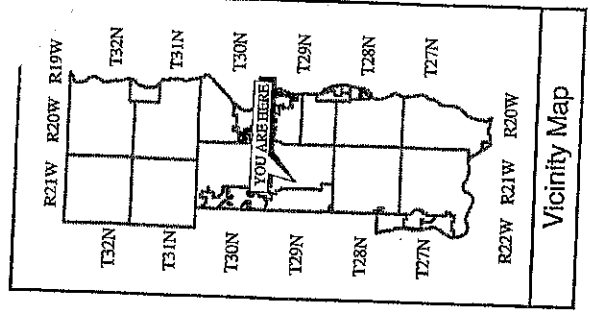
Planning Commission Actions Requested:

Motion to recommend to the City Council approval of the parcel area zoning variances for Tauer/Pechar based on the Findings of the October 7, 2004 Planning Staff Report ; and, to recommend approval of the Minor Subdivision of Tauer/Pechar - all recommendations per applicant's plans staff dated October 7, 2004. Further that a condition of the Minor Subdivision approval be that that the City Council approves the parcel area zoning variances.

Charles E. Dillerud, City Planner

Attachments:

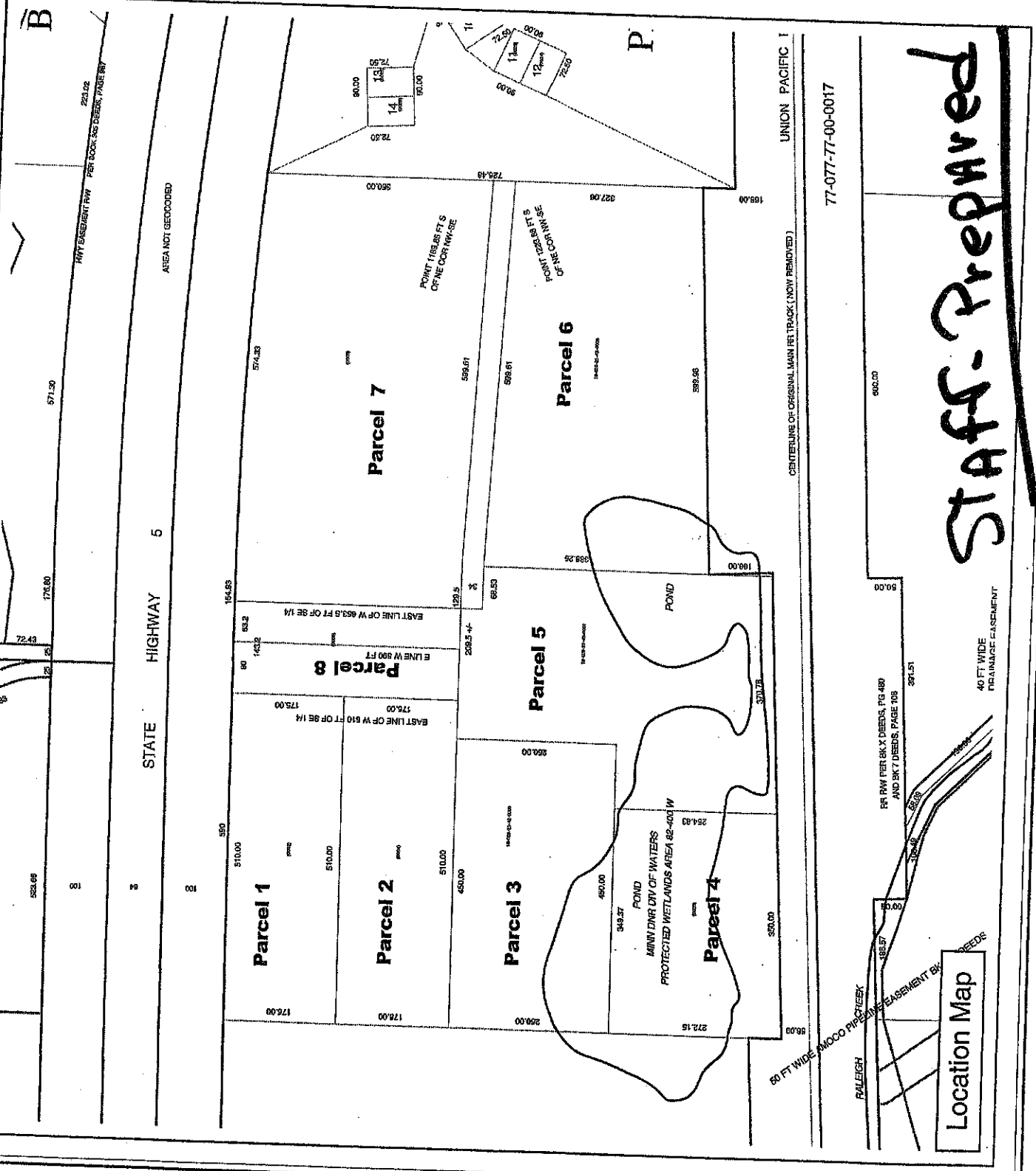
1. Location Map
2. Staff Parcel Graphic
3. Applicant's Documentation



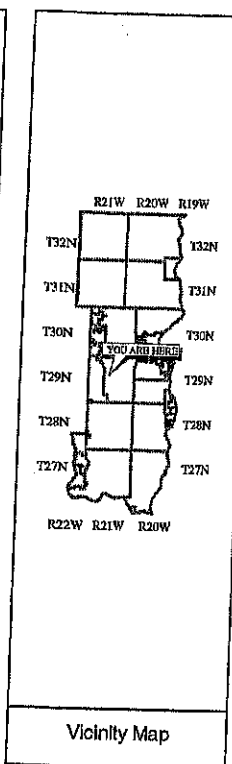
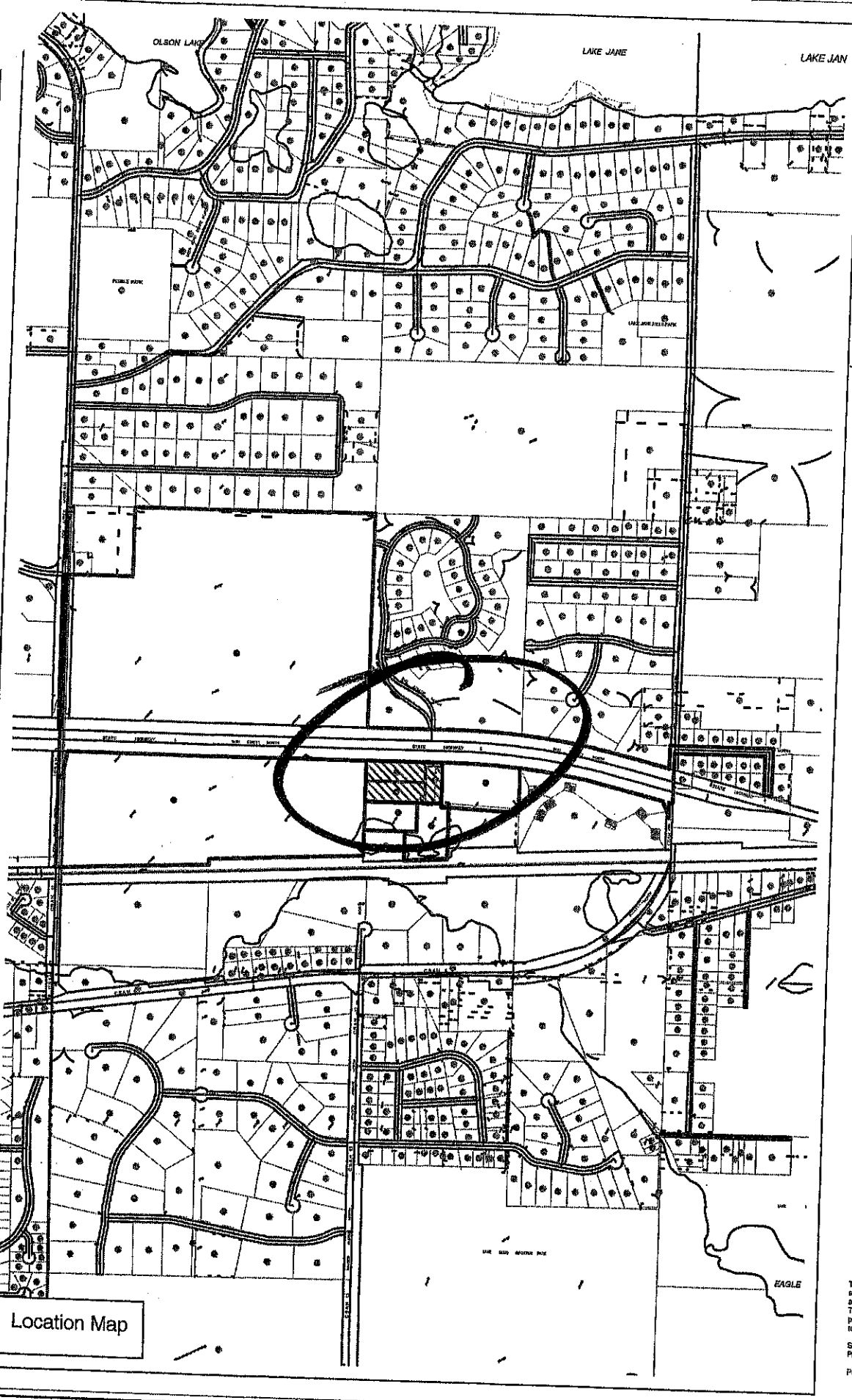
This drawing is the result of a compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

Source: Washington County Surveyor's Office.
Phone (661) 430-6875

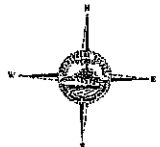
Parcel data based on AS400 information



Staff-Prepared



Vicinity Map



Location Map

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

Source: Washington County Surveyor's Office. Phone (861) 430-8876

Parcel data based on AS400 information

CERTIFICATE of SURVEY

Part of the W1/2 of the SE1/4 Section 16, Township 29 North, Range 21 West,
City of Lake Elmo, Washington County, Minnesota
EXISTING PARCEL ARRANGEMENT

10/7/04
[Signature]

LANDMARK SURVEYING INC.
21150 Ozark Avenue North - Box 65
Scandia, Minnesota 55073

Joel T. Anz, LS
William Selb, LSIT

Telephone: 651-483-3421
Fax: 651-483-4761
E-mail: info@landmark.net

Washington County CIM at the
N1/4 Corner of Sec. 16, T29N-R21W



SURVEY FOR:

Country Side Wood Products
c/o Water Pechau
8603 - 34th Street North
Lake Elmo, Minnesota 55042

&
Donald J. Tauer and Joan E. Tauer
8633 - 34th Street North
Lake Elmo, Minnesota 55042

SURVEY OF

(Document No. 284956) - PID 16.029.21.42.0002
All that part of the West Half of the Southeast Quarter (W1/2 of SE1/4) of Section Sixteen (16), Township Twenty-nine (29) North, Range Twenty-one (21) West, described as follows:
Commencing at the intersection of the Westerly line of said Southeast Quarter (SE1/4) with the Southerly right-of-way line of State Trunk Highway No. 212, the point of beginning of the parcel to be described, thence South zero degrees, twenty-one minutes, thirty seconds (0°21'30") West along said westerly line One Hundred Seventy-five (175) feet; thence East Five Hundred Ten (510) feet; thence North 0°21'30" East One Hundred Seventy-five (175) feet to a point in said Southerly right-of-way line; thence West along said right-of-way line Five Hundred Ten (510) feet to the point of beginning and containing Two and Five-hundredths (2.05) acres, more or less.

Subject to an easement for advertising purposes over and on the Northerly Fifteen (15) feet of the Easterly Fifteen (15) feet of the foregoing described parcel;

Together with a perpetual easement for roadway purposes across a strip of land Eighty (80) feet wide, being the Easterly eighty (80) feet of the Westerly Five Hundred Ninety (590) feet between the said southerly right-of-way of said Trunk Highway No. 212 and the southerly line of the above described parcel extended easterly.

(Document No. 3469461) - PID 16.029.21.42.0004
That part of the West 1/2 of the Southeast 1/4 of Section 16, T29N, R21W described as follows: Commencing at the intersection of the West line of the W1/2 of the SE1/4 with the southerly right of way line of State Trunk Highway 212, said right of way line being parallel to and 100 feet southerly from the center of the East bound lane as being used, thence on an assumed bearing S1°21'30"W along said West line of the W1/2 of the SE1/4 for 175 feet to the point of beginning of the parcel to be described, thence continuing S0°21'30"W along said West line of the W1/2 of the SE1/4 for 175 feet to a point, thence N90°00"E for 510 feet to a point, thence N0°21'30"E 175 feet to a point, thence N90°00"W for 510 feet to the point of beginning, containing 2.05 acres more or less; together with a perpetual easement for roadway purposes across the Easterly 80 feet of the Westerly 590 feet lying between the Southerly line of State Trunk Highway 212 and the Southerly line of the above described parcel extended easterly.

PID 16.029.21.42.0005
(Document No. 917938 - Parcel 4)
That part of the West 1/2 of the Southeast Quarter of Section 16, Township 29, Range 21, described as follows: Commencing at the intersection of the West line of said Southeast Quarter, with the Southerly right of way line of State Trunk Highway No. 212, said right of way being parallel to and 100 feet from the center line of the East bound lane as being used, thence North 90 degrees 00 minutes East along said right of way line 510 feet to the point of beginning of the parcel to be described; thence continuing North 90 degrees 00 minutes East along said Southerly right of way for 80 feet to a point; thence South 0 degrees 21 minutes 30 seconds West 350 feet to a point; thence North 90 degrees 00 minutes West parallel with said Southerly right of way for 80 feet to a point; thence North 0 degrees 21 minutes 30 seconds East for 350 feet to the point of beginning containing 0.63 acres more or less.
AND

(Document No. 3325363 - LAND GRANT, I. Conveyance to Tauer)
That part of the East 63.2 feet of the West 653.2 feet of the West half of the Southeast Quarter of Section 16, Township 29, Range 21, lying Southerly of the Southerly right-of-way line of State Trunk Highway No. 212 as monumented and lying Northerly of the following described line:
Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 16; thence South 0 degrees 06 minutes 31 seconds West (assumed bearing) 1189.85 feet along the East line of the West half of the Southeast Quarter of said section to the point of beginning of the line to be described; thence North 87 degrees 25 minutes 48 seconds West 599.61 feet; thence South 89 degrees 46 minutes 16 seconds West 131.73 feet to the intersection with the East line of the West 590 feet of said Southeast Quarter and there terminating.
Except therefrom the land now owned by Tauer.

NOTES

- Denotes 1/2 inch iron pipe monument set and marked with a plastic cap inscribed "ANZ/RLS 13775".
- Denotes in place monument found marked and sized as indicated hereon.
- ⊙ Denotes Washington County Cast Iron Monument
- ⊕ Denotes in place 2 inch Minnesota Department of Transportation brass cap monument.
- ⊗ Denotes Utility Pole
- Denotes Fence Line
- Rec Denotes Deed record dimension from Document No. 284956
- Meas Denotes actual field measurement

L=Arc Length R=Radius C=Chord Length
A=Central Angle PK=Masonry Nail CD=Chord Bearing
CL=Center Line CIM=Cast Iron Monument

Orientation of this bearing system: is the Washington County Coordinate System, NAD83.

Aerial photography was acquired from Washington County Surveyor's Office and is based on flights in the spring of 2000.

REVISIONS

Date	Revision	By

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Joel T. Anz 09/29/2004
Joel T. Anz Minnesota License No. 13775 Date:

NOTE: Official Copies Of This Map Are Crimp Sealed

SCALE: 1 inch = 40 Feet
Washington County CIM at the
S1/4 Corner of Sec. 16, T29N-R21W

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CERTIFICATE of SURVEY

Part of the W1/2 of the SE1/4 Section 16, Township 29 North, Range 21 West,
City of Lake Elmo, Washington County, Minnesota
PROPOSED PARCEL ARRANGEMENT

10/7/09
JTS

LANDMARK SURVEYING INC.
21150 Ozark Avenue North - Box 65
Scandia, Minnesota 55073

Washington County CIM at the
N1/4 Corner of Sec. 16, T29N-R21W

SURVEY FOR:

Joel T. Anez, LS
William Selb, LSIT

Telephone: 651-433-3421
Fax: 651-433-4761
E-mail: info@landmark.net

Country Side Wood Products
c/o Water Pechan
8603 - 34th Street North
Lake Elmo, Minnesota 55042

Donald J. Tauer and Joan E. Tauer
8633 - 34th Street North
Lake Elmo, Minnesota 55042

PROPOSED LEGAL DESCRIPTIONS

PARCEL A

All that part of the West Half of the Southeast Quarter (W1/2 of SE1/4) of Section Sixteen (16), Township Twenty-nine (29) North, Range Twenty-one (21) West, described as follows:
Commencing at the intersection of the Westerly line of said Southeast Quarter (SE1/4) with the Southerly right-of-way line of State Trunk Highway No. 212, the point of beginning of the parcel to be described, thence South zero degrees, twenty-one minutes, thirty seconds (0°21'30") West along said westerly line One Hundred Seventy-five (175) feet; thence East Five Hundred Ten (510) feet; thence North 0°21'30" East One Hundred Seventy-five (175) feet to a point in said Southerly right-of-way line; thence West along said right-of-way line Five Hundred Ten (510) feet to the point of beginning and containing Two and Five-hundredths (2.05) acres, more or less.

Subject to an easement for advertising purposes over and on the northerly Fifteen (15) feet of the Easterly Fifteen (15) feet of the foregoing described parcel;

Together with a perpetual easement for roadway purposes across a strip of land Eighty (80) feet wide, being the Easterly eighty (80) feet of the Westerly Five Hundred Ninety (590) feet between the said southerly right-of-way of said Trunk Highway No. 212 and the southerly line of the above described parcel extended easterly.

AND

That part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, Washington County, Minnesota described as follows:

Commencing at the intersection of the west line of said West Half of the Southeast Quarter and the southerly line of State Trunk Highway 5, said line lying 100.00 feet southerly, as measured at a right angle, and parallel with the center line of the east bound lane of said State Trunk Highway 5, as monumented; thence South 00 degrees 05 minutes 47 seconds West, bearing oriented to the Washington County Coordinate System, NAD83, along said west line of the West Half of the Southeast Quarter, a distance of 175.00 feet to the point of beginning; thence continue South 00 degrees 05 minutes 47 seconds West, along said west line, 175.00 feet; thence North 89 degrees 44 minutes 17 seconds East 151.95 feet; thence North 06 degrees 02 minutes 37 seconds East 176.06 feet to the intersection with a line which bears North 89 degrees 44 minutes 17 seconds East from the point of beginning, said point located 170.20 feet easterly of the point of beginning, as measured along said line; thence South 89 degrees 44 minutes 17 seconds West along said line 170.20 feet to the point of beginning, containing 0.65 acres, more or less.

NOTES

- Denotes 1/2 inch iron pipe monument set and marked with a plastic cap inscribed "ANEZ / RLS 13775".
- Denotes in-place monument found marked and sized as indicated hereon.
- ⊙ Denotes Washington County Cast Iron Monument
- ⊕ Denotes in-place 2 inch Minnesota Department of Transportation brass cap monument.
- ⚡ Denotes Utility Pole
- Denotes Fence Line
- Rec Denotes Deed record dimension from Document No. 284956
- Meas Denotes actual field measurement

L=Arc Length R=Radius C=Chord Length
Δ=Central Angle PK=Masonry Nail CB=Chord Bearing
CL=Center Line CIM=Cast Iron Monument

Orientation of this bearing system is the Washington County Coordinate System, NAD83.

Aerial photography was acquired from Washington County Surveyor's Office and is based on flights in the spring of 2009.

PARCEL B

That part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, Washington County, Minnesota described as follows:

Commencing at the intersection of the west line of said West Half of the Southeast Quarter and the southerly line of State Trunk Highway 5, said line lying 100.00 feet southerly, as measured at a right angle, and parallel with the center line of the east bound lane of said State Trunk Highway 5, as monumented; thence South 00 degrees 05 minutes 47 seconds West, bearing oriented to the Washington County Coordinate System, NAD83, along said west line of the West Half of the Southeast Quarter, a distance of 175.00 feet to a point hereinafter referred to as Point A; thence continue South 00 degrees 05 minutes 47 seconds West, along said west line, 175.00 feet; thence North 89 degrees 44 minutes 17 seconds East 151.95 feet; thence North 89 degrees 44 minutes 17 seconds East 358.05 feet; thence North 00 degrees 05 minutes 47 seconds East, parallel with said west line of the West Half of the Southeast Quarter, a distance of 175.00 feet to the intersection with a line which bears North 89 degrees 44 minutes 17 seconds East from a foresaid Point A; thence South 89 degrees 44 minutes 17 seconds West, along said line 339.80 feet to a point distant 170.20 feet from a foresaid Point A, as measured along said line; thence South 06 degrees 02 minutes 37 seconds West 176.06 feet to the point of beginning, containing 1.40 acres, more or less.

AND

That part of the West Half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, Washington County, Minnesota described as follows: Commencing at the intersection of the West line of said Southeast Quarter, with the Southerly right of way line of State Trunk Highway No. 212, said right of way being parallel to and 100 feet from the center line of the East bound lane as being used, thence North 90 degrees 00 minutes East along said right of way line 510 feet to the point of beginning of the parcel to be described; thence continue North 90 degrees 00 minutes East along said Southerly right of way for 80 feet to a point; thence South 0 degrees 21 minutes 30 seconds West 350 feet to a point; thence North 90 degrees 00 minutes West parallel with said Southerly right of way for 80 feet to a point; thence North 0 degrees 21 minutes 30 seconds East for 350 feet to the point of beginning, containing 0.63 acres more or less.

AND

That part of the East 63.2 feet of the West 653.2 feet of the West half of the Southeast Quarter of Section 16, Township 29 North, Range 21 West, Washington County, Minnesota described as follows:

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 16; thence South 0 degrees 06 minutes 31 seconds West (assumed bearing) 1189.85 feet along the East line of the West Half of the Southeast Quarter of said section to the point of beginning of the line to be described; thence North 87 degrees 25 minutes 48 seconds West 599.61 feet; thence South 89 degrees 46 minutes 16 seconds West 131.73 feet to the intersection with the East line of the West 590 feet of said Southeast Quarter and there terminating.

REVISIONS

Date	Revision	By

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Joel T. Anez, LS
Minnesota License No. 13775
Date: 09/29/2004

NOTE: Official Copies Of This Map Are Crimp Sealed



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Lake Elmo City Council October 19, 2004	Agenda Section: Planning, Land Use & Zoning	No. 9C
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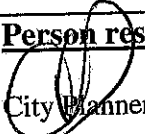
Agenda Item: Fence Ordinance Amendments

Background Information for October 19, 2004:

On October 13, 2004 (Wednesday) the Planning Commission conducted a Public Hearing and adopted several recommendations regarding amendment to the new fence ordinance. I had previously advised both the Commission and the Council that I expected we would have to address amendments once we had experienced the new ordinance standards for a period. While no Commission minutes are available as of this writing, the waning construction season suggests that we should consider those recommendations at the Council level. The Commission's recommended amendments are as follow:

1. Modify Section 302.003 to delete the word "entire" and insert the words "any portion of" in reference to existing structures in the OHW setback. The Fencing in the OHW setback would be limited, however, to the lakeward setback of the existing principal structure – excluding decks. This will provide some relief for property owners that are otherwise constrained from fencing in their side yard by pre-existing structure location in relation to the subsequent OHW setback. (8-1).
2. Add a provision to the Code that would permit street property line fencing for double front (but not corner) lots – only by Conditional Use Permit; and that CUP application fees for this type of CUP be 25% of the fee for other CUP applications. (7-2)
3. Modify Section 302.01 to substitute 50% "open to air and light" and "as viewed perpendicular to the fence" above 42 inches for the present 75%. (9-0). Also to clarify that "openness averaging" may be applied to attain the 50% standard.
4. Modify the Fence Permitting Section of the Code to exempt all "Temporary Fences" from permits and fees.

I will prepare appropriate ordinance language that reflects these modifications for consideration by the Council on October 19.

<p><u>Action items:</u></p> <p>Motion(s) regarding adoption of Ordinance 97- , amending fence standards and permitting requirements.</p>	<p><u>Person responsible:</u></p>  <p>City Planner</p>
<p><u>Attachments:</u></p> <p>1. Ordinance 97-137 (As adopted August 4, 2004)</p>	<p><u>Time Allocated:</u></p>

**CITY OF LAKE ELMO
ORDINANCE NO. 97-137**

**AN ORDINANCE ADDING SECTION 302 RELATING TO THE REGULATION
OF FENCES AND SCREENING
AND REPEALING SECTION 1360 AND THE FENCE MORATORIUM**

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

302 – Regulation of Fences

302.01 Fence Height

Subd. 1 - Fence Height in Street Setbacks

No fence shall be constructed exceeding 42 inches in height measured from grade within any front, side, or rear street setback. Fences constructed within the prescribed street set back areas shall be at least 50% open to air and light. (See Figure 302.1)

Subd. 2 – Fence Height in Interior Yards

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

Subd. 3 – Grade Defined

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

302.02 Fence Materials

Subd. 1 – Permitted Fence Materials

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

Subd. 2 – Finished Face of Fence

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

Subd. 3 – Chain Link or Cyclone Fences

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

302.03 – Fences in the Shoreland Overlay District

No fence shall be permitted in the OHW setback of any parcel located in Shoreland, as defined by Section 150 of the City Code except where the principal structure is entirely located within said OHW setback.

302.04 Temporary Fences

Subd. 1 – Defined

For the purposes of this ordinance Temporary Fences are those that are installed and removed on a seasonal basis, such as snow fences and garden fences. Temporary Fences shall be open to light and air over not less than 40% of the fence surface area.

Subd. 2 – Duration and Limitation

No snow fence shall or posts therefore shall be installed prior to November 1, and must be removed prior to April 15.

Subd. 3 – Height and Location

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

302.05 Agricultural Exemption

Fences constructed on parcels in excess of 5 acres for the keeping of horses; and fences constructed on parcels in excess of 10 acres for the keeping of other livestock, as defined by Section 150 the City Code, are specifically exempted from the provisions of this section. Any such agricultural fencing shall be at least 75 % open to air and light.

302.06 Fences as Screening and Security as Required by This Code

The Lake Elmo City Code and Zoning Ordinance include prescribed physical circumstances of a site where screening of uses, equipment, and outside storage is required. In those prescribed circumstances, fence not to exceed 72 inches in height measured from grade may be installed, subject to the following standards:

1. Required fences for screening and security purposes in Agricultural and Residential zoning districts shall be set back from all property lines equal to the required structure set back of the zoning district in which they are located.
2. The provisions of Section 302.01, Subd. 3 of this Chapter regarding fence height measurement from grade shall apply. No combination of earthen berm and fence may exceed the 72 inch maximum height for screening.
3. Materials used for screening shall be limited to those specified by Section 302.02
4. No such screening shall be roofed or covered in any manner.

302.07 Fence Permits Required

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

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

Failure to obtain a City Fence Permit prior to the installation of any fence subject to this regulation shall result in an automatic double permit fee, in addition to any corrective measures to bring said fence into compliance with the standards for fences prescribed by the Lake Elmo Zoning Ordinance.

302.08 - Fences as Non-conforming/Hazardous Structures

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

302.09 - Other Provisions of Code

To the extent that provisions of this Section may conflict with other provisions of the City Code regarding the regulation of fences and screening, the provisions of this Section only shall apply.

Section 2 - Amending Section 150 Definition of Fence

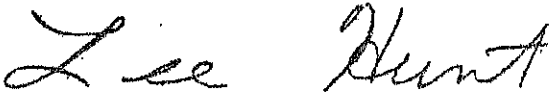
The Section 150 definition of "Fence" is hereby amended to add the following: "...not to include any roof or covering."

Section 3. Repealer

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

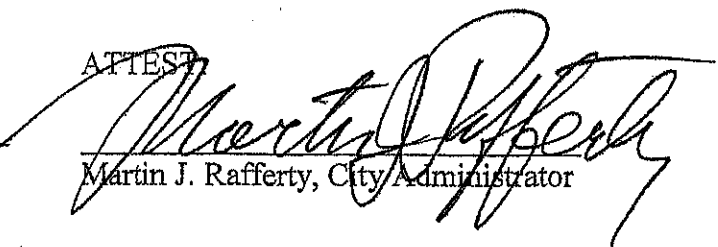
Section 4. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED by the Lake Elmo City Council this 4th day of August, 2004.



Lee Hunt, Mayor

ATTEST


Martin J. Rafferty, City Administrator

PUBLISHED IN THE AUGUST 13, 2004 STILLWATER GAZETTE

Figure 302.1
HEIGHT OF FENCING

STREET SIDE YARD

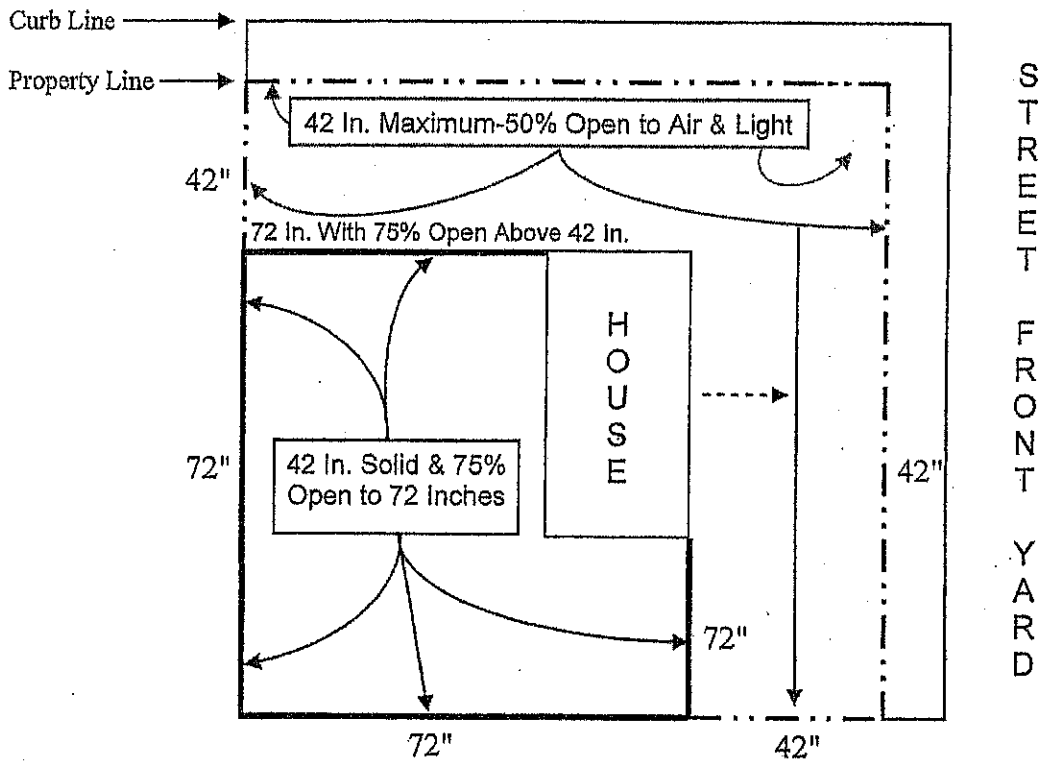
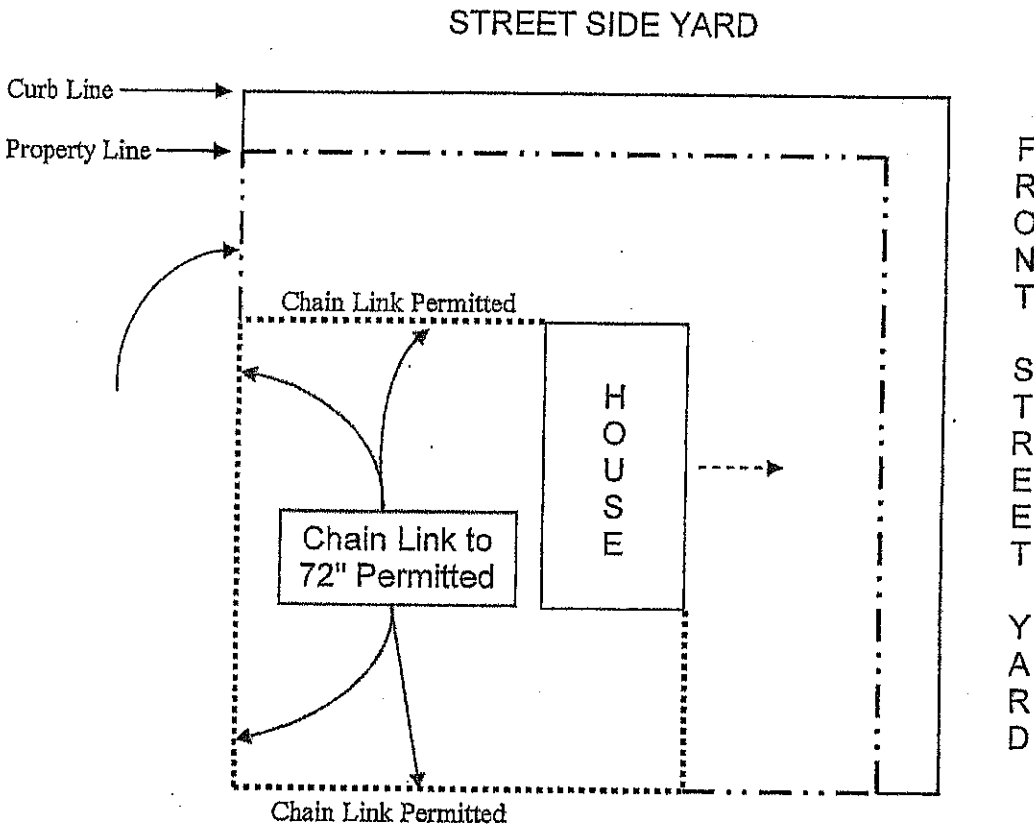


Figure 302.2
CYCLONE/CHAIN LINK FENCING



Chain Link in Black or Green Only

MEMO

(October 6, 2004 for the Meeting of October 13, 2004)

To: Lake Elmo Planning Commission
From: Chuck Dillerud
Subject: Amendments to the Adopted Fence Ordinance

As expected would be the case (and is the case with almost every major ordinance revision), questions and issues have surfaced regarding the new fence ordinance, as adopted by the City Council in early August. As these issues and questions (as to interpretation) have surfaced I have advised residents, the Council and staff that it would be best to allow the ordinance to "ripen" a few weeks (at least) before we address adjustments – with the intention of dealing with as many adjustments as possible at one time. With the fence installation season rapidly coming to a close it has been suggested that we have waited long enough.

The questions and issues that have surfaced regarding the present fence regulations include at least the following:

1. How do we address fencing of lakefront property when (as we have seen repeatedly) the Shoreland Setback (wherein fences are prohibited by the present ordinance language) encompasses most or all of the lot depth? In those cases (and there are many in the Tri-Lakes area) the ordinance, as now written, prohibits any fencing anywhere on those lake front lots.

STAFF: We thought we had covered this with the "except" clause in Section 302.03. We could add the following sentence to that section to clarify: *"Where the entire principle structure is located within the OHW setback, fence is permitted responsive to the standards of Section 302.01 Subd. 1."*

2. Double front lots (those both front and rear street frontages/setbacks – but, not corner lots) were addressed (at least for future such circumstances) in some manner in the Commission-draft ordinance, but not specifically by the ordinance that was adopted. While these are not common circumstances, they do and will exist – often with at least one of the street frontages being a major roadway. Should "privacy" style fences (6 foot solid) be allowed in those circumstances as a noise barrier as much as for privacy?

STAFF: This is a valid point that was addressed to some extent by the Commission draft of new fence regulations – but not by the Council version that was adopted.. There (Commission draft) such double front fences would be permitted to 72 inches solid only when approved as to location and design with the original platting. We already have a request from several adjacent property owners in Carriage Station for just such a fence (along 55th Street). One very good reason that some cities are hesitant about such fences on a property owner-by-property owner basis is the end appearance of several

different fence styles and degrees of fence maintenance that result along a Public roadway. Perhaps the City could consider permitting 72 inch solid fences in these double front circumstances as a Conditional Use Permit – as much as planning staff dislikes the headaches of CUP's for these types of actions. In that manner the individual fences can be required to be consistent as to style and materials and fence maintenance standards could be an ongoing condition. If maintenance is disregarded by the property owner, the CUP and fence can be eliminated for CUP non-compliance.

3. The present ordinance clearly is intended to preclude “privacy” fences by way of the requirement that all interior yard fencing above 42 inches from grade be open to light and air at least 75%. That has lead to at least two questions/issues:
 - a. If a “picket style” or similar fence is constructed over the entire 72 inch height, can the calculation of % of “open” be over the entire height rather than just the portion above 42 inches – can %credit for more “openness” below 42 inches be given toward the 75% above 42 inches?
 - b. Is the 75% a realistic number? That pretty well limits anything above 42 inches to cyclone (or some other wire mesh) or to wrought iron. At least one member of the Council suggested 50% above 42 inches would suffice.

STAFF: In many respects these issues go directly to the question of whether (or how much) privacy the City desires to preclude. We do not recall the origins of the 75% figure – it may have been just dropped on the table at some point as an example. While we do endorse the concept of “openness averaging” where there is some degree of openness over the entire fence height (above and below 42 inches), the decision as to how much becomes a qualitative matter. Would 50% be as effective in overcoming the “junkyard fence” syndrome that we know the City Council desires to avoid? Most “picket” style fencing approaches the 50% threshold. Based on our two months of experience with the new ordinance, it is clear that the “openness” standard should be at least again considered.

4. Should Temporary Fences require a Fence Permit?

STAFF: Since the Fence Ordinance specifies standards (including “percent of openness, setback, and, for snow fence, dates allowable), it will be difficult for the City to monitor compliance with those standards without a permitting process. We would suggest, however, that there be a minimal fixed rate permit fee for temporary fences – perhaps \$25.

We have not as yet prepared formal legislative format amendment language addressing these issues/questions. We will do so once the Public and the Commission have provided input and advice.

A Public Hearing has been Noticed and should be conducted by the Planning Commission.

<p>Lake Elmo City Council October 19, 2004</p>	<p>Agenda Section: Planning, Land Use & Zoning</p>	<p><u>No.</u> 9D</p>
<p>Agenda Item: Traffic Signal – Keats/North Ramps to I-94</p>		
<p><u>Background Information for October 19, 2004:</u></p> <p>Attached is an October 15 communication and attachments from Washington County regarding the County's intent to apply for funding to install a traffic signal at the Keats/I-94 North ramps. No City cost participation is proposed, but the City's endorsement of the project has been requested by the County.</p> <p>I have attached the County communication and the graphic attachments, together with a draft Resolution in the format suggested by the County for Council consideration.</p>		
<p><u>Action items:</u></p> <p>Motion to adopt Resolution 2004 - ⁰⁹², endorsing the Washington County traffic signal plan at Keats/I-94 North Ramp.</p>	<p><u>Person responsible:</u></p> <p>City Planner</p>	
<p><u>Attachments:</u></p> <p>1. County communication and graphics</p>	<p><u>Time Allocated:</u></p>	

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004-092

A RESOLUTION TO EXPRESS SUPPORT FOR THE COUNTY STATE AID
HIGHWAY (CSAH) 19 TRAFFIC SIGNAL SYSTEM PROJECT
AT THE I-94 NORTH RAMPS

WHEREAS, Washington County wishes to install a traffic signal system on
CSAH 19 at the intersection of I-94 North Freeway Ramps; and

WHEREAS, the project will be of mutual benefit to both the Minnesota
Department of Transportation and Washington County and Lake Elmo; and

WHEREAS, Washington County is committed to providing the local share of the
costs if the project is selected as part of the FY 2006 Municipal Agreement Program; the
City of Lake Elmo will not be responsible for the local share; and

WHEREAS, Washington County is committed to completing the project if
selected and funding is provided as part of the FY 2006 Municipal Agreement Program;
and

NOW, THEREFORE, BE IT RESOLVED, that the City of Lake Elmo expresses
support for the CSAH19 Traffic Signal System Project at the I-94 North Ramps.

ADOPTED, by the Lake Elmo City Council on the 19th day of October, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Chuck Dillerud

From: Martin Rafferty
Sent: Friday, October 15, 2004 11:04 AM
To: Chuck Dillerud
Subject: FW: Local Support for CSAH 19 & I-94 North Ramps Signal Project

Attachments: Lake Elmo draft resolution.doc; CSAH 19 & I-94 North Ramps_2 Layout EXISTING.pdf; CSAH 19 & I-94 North Ramps_2 Layout PROPOSED.pdf; CSAH 19 & I-94 North Ramps_2 Layout1 (1).pdf; Header; Header



Lake Elmo draft resolution.doc...



CSAH 19 & I-94 North Ramps_2 L...



CSAH 19 & I-94 North Ramps_2 L...



CSAH 19 & I-94 North Ramps_2 L...



Header (659 B)



Header (435 B)

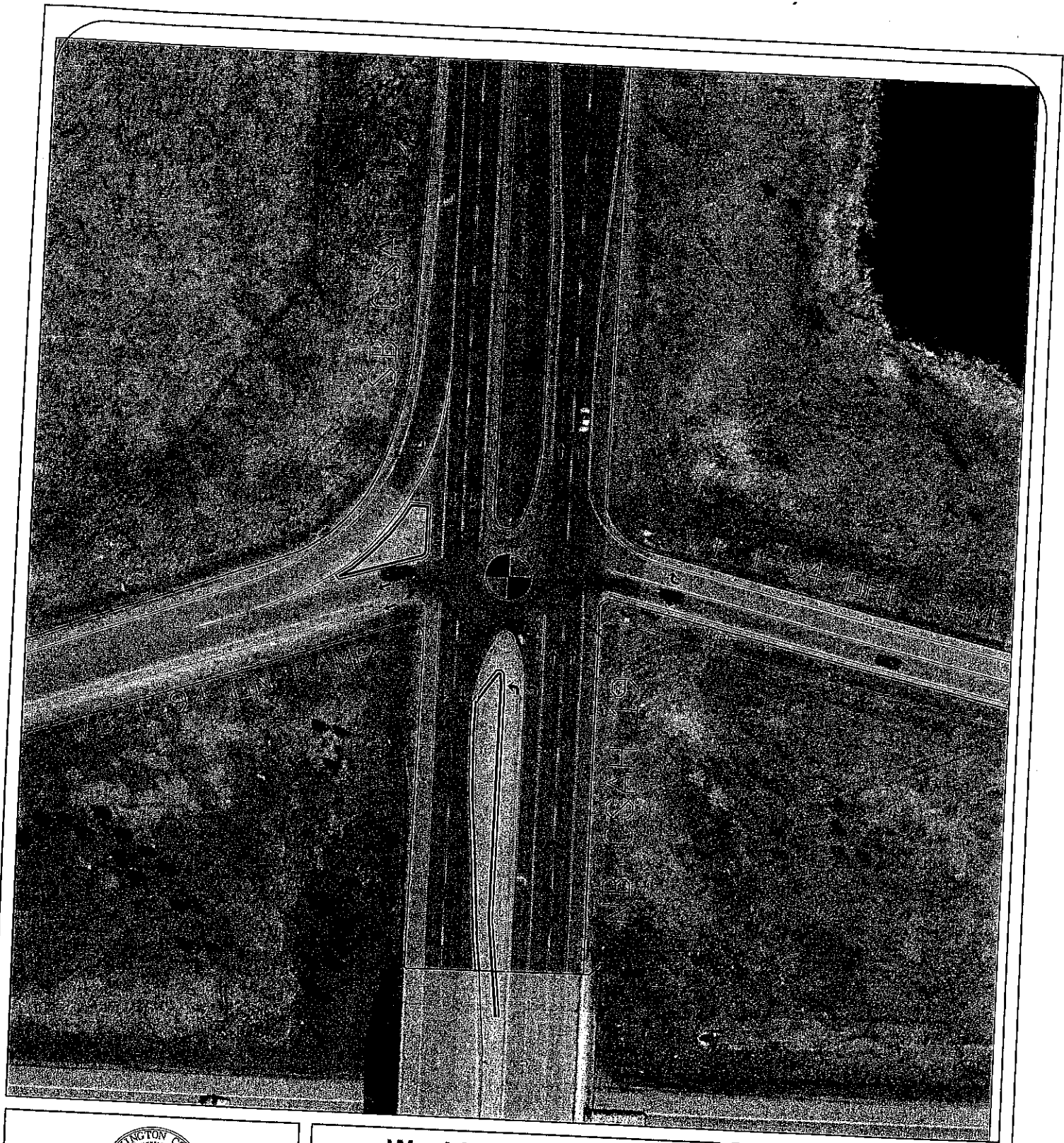
this for comment and council action on Tuesday

Take a look at

-----Original Message-----

From: Jennifer Connover [mailto:Jennifer.Connover@co.washington.mn.us]
Sent: Friday, October 08, 2004 9:00 AM
To: martin.rafferty@lakeelmo.org
Cc: Wayne Sandberg
Subject: Local Support for CSAH 19 & I-94 North Ramps Signal Project

Washington County is in a competitive process to fund needed projects. Within the City of Lake Elmo, Washington County has a proposed project at the intersection of CSAH 19 & the I-94 North ramps. The project would involve creating a dual left turn and installing a signal. The on/off ramps would also be slightly modified. Local support for projects is important in the selection process. In the attachments is a sample of a resolution the the city council could use if they choose to show thier support of the project. Note that the City of Lake Elmo will not be responsible for the local cost share, as noted in the sample resolution. The second attachment is the existing intersection. The third attachment is a partial outline of the new intersection. The south leg will be modified to reflect what is shown in the fourth attachment. The two drawings will be merged next week, but I thought you might like to have all the information. If you have any questions, please feel free to contact me through email or at 651-430-4328. Thank you for you time in reviewing this project.



WASHINGTON COUNTY
DEPARTMENT OF TRANSPORTATION
& PHYSICAL DEVELOPMENT
11800 Myron Road North
Sawwater, Minnesota 55082
651-430-4300 FAX 651-430-4350

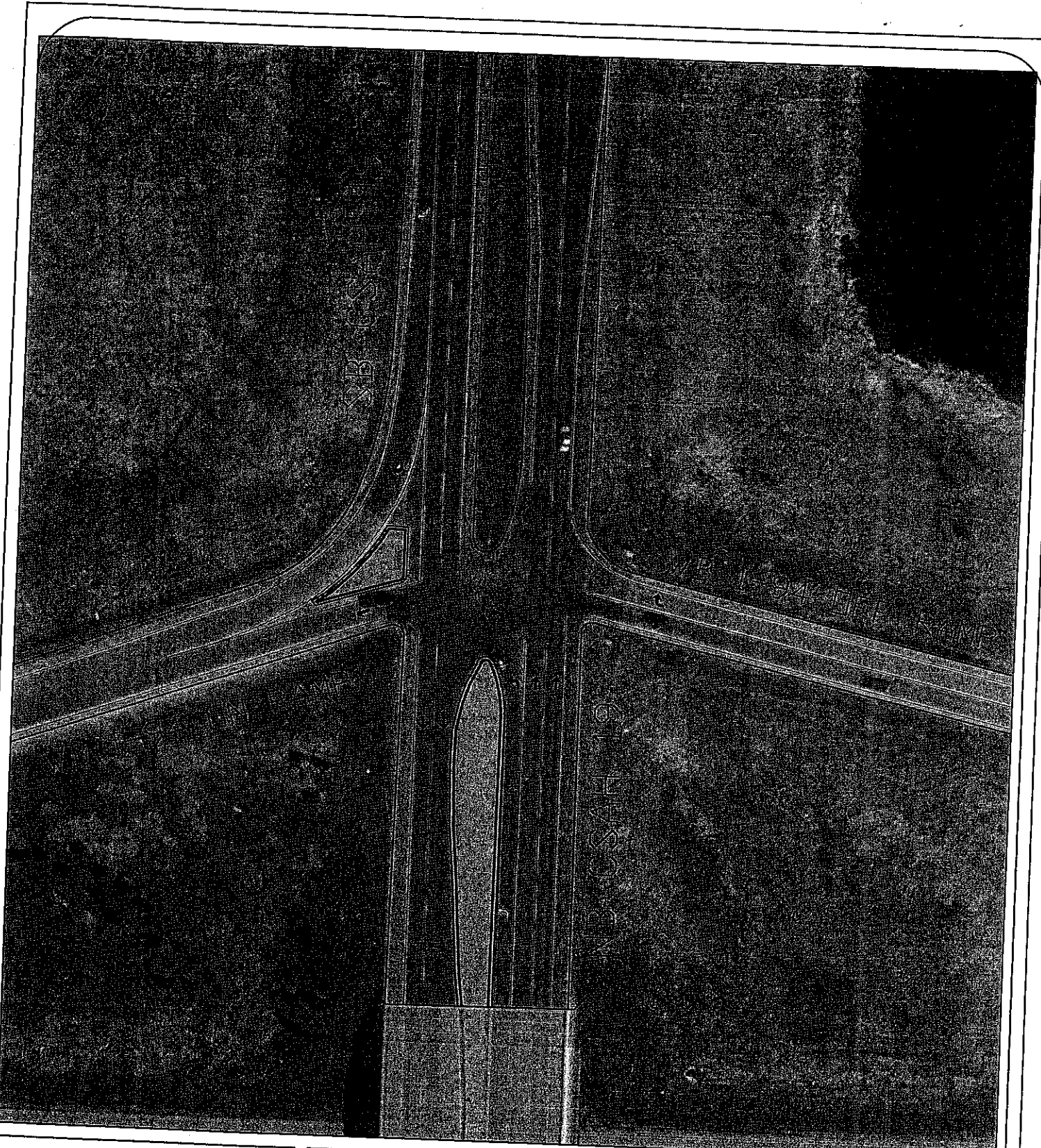
Washington County
Department of Transportation

Local Initiative
Cooperative Agreement
Projects

Traffic Proj. No.:



PROPOSED
FIGURE 2

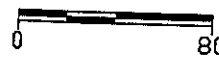


WASHINGTON COUNTY
DEPARTMENT OF TRANSPORTATION
& PHYSICAL DEVELOPMENT
11850 Myerda Road North
Stillwater, Minnesota 55062
851-430-4300 FAX 851-430-4390

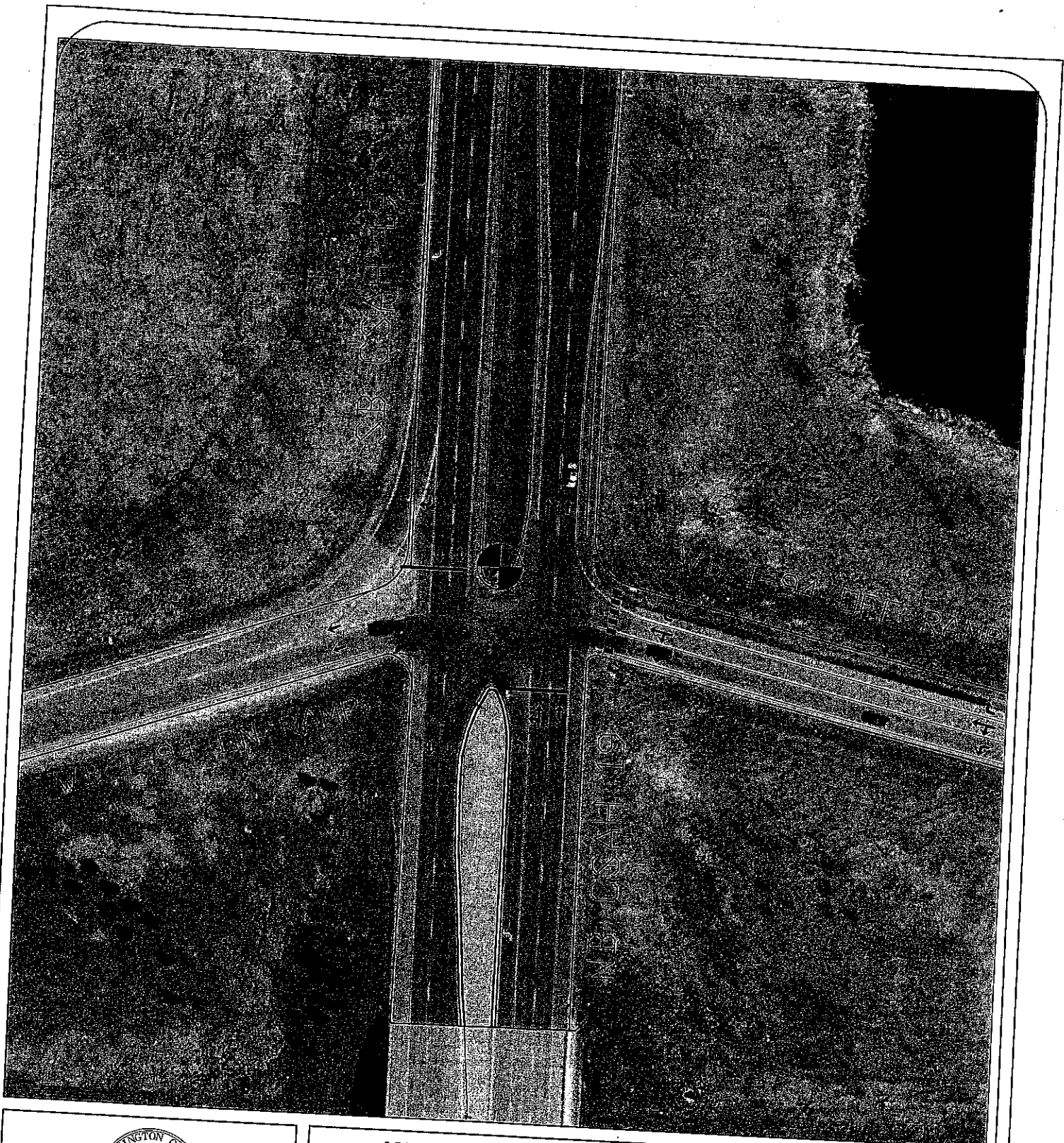
Washington County
Department of Transportation

Local Initiative
Cooperative Agreement
Projects

Traffic Proj. No.:



Existing
FIGURE 1



WASHINGTON COUNTY
DEPARTMENT OF TRANSPORTATION
& PHYSICAL DEVELOPMENT
1000 Myron Road North
Stillwater, Minnesota 55082
851-430-4300 FAX 851-430-4350

Washington County
Department of Transportation

Local Initiative
Cooperative Agreement
Projects

Revised - 11-19-03

Traffic Proj. No.:



PROPOSED
FIGURE 2

Lake Elmo
City Council
October 19, 2004

Agenda Section: CITY ADMINISTRATOR'S REPORT

No. 11. A.

Agenda Item: Holiday Lights

Background Information:

Annually, the City has traditionally had the responsibility to maintain, store and install holiday lights in the old village area. Several years ago the JCs purchased some new lights and donated the lights to the City's inventory of holiday lights to replace and augment the holiday display. The Public Works Department has had the responsibility to maintain and store the lights and the Fire Department has installed the lights. The history of the Fire Department installing the lights was probably connected to the larger trucks with ladders.

Today's standards related to safety practices suggest the need for the appropriate equipment and experienced personnel to utilize that equipment. The City (PW and Fire) does not have the appropriate equipment to install the holiday lighting.

In preparation for the holiday season staff identified a company that specializes in this service. Noble Seasonal Lighting, Inc. has provided the city with a proposal to install, remove and store the city's seasonal lighting for a price of \$2500 for the existing inventory of holiday lights.

Action Items:

Authorize the Administrator to contract with Noble Seasonal lighting for this purpose.

Person responsible:

Martin Rafferty, Administrator

Attachments: