

<p>Lee Hunt Councilmembers: Steve DeLapp Susan Dunn Wyn John Dean Johnston</p>	<p>Lake Elmo City Council Wednesday, NOVEMBER 3, 2004 (This meeting has been rescheduled because of the General Election scheduled for November 2, 2004)</p>	<p>3800 Laverne Avenue No. Lake Elmo, MN 55042 777-5510 777-9615 (fax)</p>
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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

<p>Pledge of Allegiance</p>	
<p>1. Agenda</p>	
<p>2. Minutes</p>	<p>October 19, 2004</p>
<p>3. <u>PUBLIC INQUIRIES/INFORMATIONAL:</u> A. PUBLIC INQUIRIES: B. Public Informational: Don Theisen, Washington County; Resolution 2004-092:Supporting Traffic Signal at Keats/I-94 N. Ramps C. Resolution No. 2004-093:Canvass Results of General Election</p>	<p>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.</p>
<p>4. <u>CONSENT AGENDA</u> A. Resolution No. 2004-094:Approve claims B. Resolution No. 2004-095:Certify Hill Trail/50th Street Reconstruction Assessments to Washington County Resolution No. 2004-096:Certify 2004 Overlay Street Assessments to Washington County</p>	<p>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.</p>
<p>5. <u>FINANCE</u> A. Resolution No. 2004-097:Brokerage Investment Account Corporate Resolution</p>	<p>Tom Bouthilet</p>

<u>6. NEW BUSINESS</u> A.	
<u>7. MAINTENANCE/PARK/FIRE/BUILDING:</u> A. Update on Fire Department Activities: Fire Chief Malmquist	
<u>8. CITY ENGINEER'S REPORT:</u> A.	Tom Prew
<u>9. PLANNING, LAND USE & ZONING:</u> A. CDBG Sub-recipient Contract – 2004/2005 B. Fence Ordinance Amendments – Continued Consideration	C. Dillerud
<u>10. CITY ATTORNEY'S REPORT:</u>	
<u>11. CITY ADMINISTRATOR'S REPORT:</u> A. Recycling Ordinance	
<u>12. CITY COUNCIL REPORTS:</u> A. Mayor Hunt B. Council Member DeLapp C. Council Member Dunn D. Council Member John E. Council Member Johnston	
<u>13. ADJOURN COUNCIL MEETING</u> <u>The Lake Elmo City Council will hold a Workshop after the Council meeting to discuss:</u> 1. Highway 5 Study 2. City Hall - Old Village	

LAKE ELMO CITY COUNCIL MINUTES

OCTOBER 19, 2004

1. AGENDA
2. MINUTES: October 5, 2004
3. PUBLIC INQUIRIES/INFORMATIONAL:
 - A. Cable Commission: Jennie Holder
4. CONSENT AGENDA:
 - A. Resolution No. 2004-089: Approve Claims
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:
8. CITY ENGINEER'S REPORT:
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
10. CITY ATTORNEY'S REPORT:
11. CITY ADMINISTRATOR'S REPORT:
 - A. Holiday Lights
12. CITY COUNCIL REPORTS:

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

1. AGENDA

M/S/P Dunn/Johnston - to approve the October 19, 2004 City Council agenda, as amended. (Motion passed 5-0).

2. MINUTES: October 5, 2004

M/S/P Johnston/Dunn - to approve the October 5, 2004 City Council minutes, as amended. (Motion passed 4-1 Abstain John).

3. PUBLIC INQUIRIES/INFORMATIONAL:

A. Cable Commission: Jennie Holder

Jennie Holder, Lake Elmo's representative on the Ramsey/Washington Suburban Cable Commission gave a review of the benefits and services offered to 1400 residences in the

City. She asked that inquiries regarding installation of cable in their neighborhood be sent to her.

Gloria Knoblauch invited city officials to attend Christmas at the Court House on Friday, November 19th 6 p.m. where the men would pour champagne and women serve appetizers. Mayor Hunt, Council members John, Johnston, Dunn and Administrator Rafferty responded they would attend.

There will be an Open House on October 20th at the High Point Health Clinic for free health screening. There will be a presentation to legislatures at 5 p.m.

4. CONSENT AGENDA

B. Resolution No. 2004-089: Approving Claims

M/S/P John/Dunn - to approve Resolution No. 2004-089 approving claim numbers 221, 222, DD253 through DD264, 26278 through 26305 which were used for staff payroll October 14, 2004, claim 26277; 26306 through 26351 in the total amount of \$107,107.35. (Motion passed 5-0).

5. FINANCE:

A. Resolution No. 2004-090 Bond Sales

Paul Donna, Northland Securities, reported that the City has been upgraded from A1 to AA3 bond rating with insurance. The city will receive a better interest rate than projected. He mentioned you don't find cities this size to have this good of a credit rating and it's because of low debt and a strong economy. These bond sales will finance a new city hall, building a public works facility and the potential option of a fire station which reflects the comments of the community.

M/S/P John/Johnston - to approve Resolution No 2004-090 authorizing issuance of awarding sale of general obligation bonds in the amount of \$4,090,000. (Motion passed 5-0).

B. Monthly Operating Report- Informational

The Finance Director reported the budget is on-track and the line items are on target. He noted that fuel prices are on the increase and will ultimately affect the budget.

C. City Audit

The Finance Director reported the staff requested a mid-year audit in preparation for GASB34 requirements to alleviate the amount of work for the Annual Year-End Audit. The City received a summary letter of the result of the work completed by Abdo, Eick & Meyers, LLP. The Finance Director noted that a major portion of the report findings have been resolved and anticipates the Annual Year-End Audit will be more efficient as a result of this audit.

6. NEW BUSINESS:

7. MAINTENANCE/PARK/FIRE/BUILDING:

A. Update on Building Department Activities: Building Official

The Building Official reported there were two new residential building permits and two new commercial building permits issued in September, 2004. He alerted the residents to have their chimneys serviced by a licensed chimney sweep and to not burn logs in a gas fireplace. Carbon monoxide detectors should be placed in the lowest level of the house and to check batteries of your smoke detector.

8. CITY ENGINEER'S REPORT:

9. PLANNING, LAND USE & ZONING:

A. Leave of Absence Request – Planning Commission Member

Planning Commission Member Jennifer Pelletier has requested a Leave of Absence from her Commission duties until the end of January, 2005 for medical reasons. The Council has previously approved requested Leaves of Absence of similar duration. The City Planner noted that making a quorum should not be a problem with a full complement of commissioners now in place.

M/S/P DeLapp/Dunn - to approve the Leave of Absence requested by Jennifer Pelletier for medical reasons from the Planning Commission until the end of January 2005. (Motion passed 5-0).

B. Lot Area Variances/Minor Subdivision – Tauer/Pechan

Donald Tauer of the Animal Inn and Walter Pechan has made application to the City for a variance to lot size for a minor subdivision 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). Mr. Tauer advised that he has been allowing Mr. Pechan to use the .63 acres for truck turning, but now intends to sell his Animal Inn real estate and has reached an agreement for Pechan to purchase the land that has been used over the years.

The City Planner reported 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. At its October 13, 2004 meeting, the Planning Commission unanimously adopted a recommendation to grant a variance to lot area and a minor subdivision to Donald Tauer.

M/S/P DeLapp/Dunn – to adopt Resolution No. 2004-091 approving a Minor Subdivision and lot area variance for Donald Tauer and Walter Pechan based on the recommendation of the Planning Commission. (Motion passed 5-0).

In response to a question by Council Member DeLapp regarding the forthcoming redrafting of the Lake Elmo Comprehensive Plan, the Finance Director explained the City did not budget any extra funds in the planning budget for 2005. The City Planner

concurred that the 2005 City budget does contain a minimal amount to cover planning studies, but that does not anticipate the scale of planning he understood that the Council desires to respond to the Met Council. He indicated that such a degree of plan detail is extraordinarily detailed and costly. He reserved commentary as to the cost until it is decided what we want to do.

A. Fence Ordinance Amendments

The City Planner reported the Planning Commission conducted a public hearing on October 13th, 2004 and adopted several recommendations regarding amendments to the new fence ordinance. Minor wording adjustments were recommended regarding setbacks for fences on lakefront property that lies in a shoreland setback. The Commission also recommended allowing fences to be constructed at the rear property line of double frontage lots by Conditional Use Permits; and, to waive permits and permit fees for Temporary Fences. Finally, the Commission recommended amending the percentage of fence area above 42 inches that must be open to air and light from the present 75% to 50%; and, to allow percentage of open area to be calculated over the full fence height.

Nancy Bielenberg, 12115 Marquess Lane N, asked why is the City talking about 6' height again when applications will come before the Council for approval by a CUP. She asked why was the requirement for height and open area snuck back into the ordinance. She said in her development, Carriage Station, there are fences erected cutting up small lots

Council member Johnston stated the Council shouldn't bring back 6' solid fences and agrees with the speaker. He supports the other amendment changes and added we never finished addressing screening.

Council member DeLapp said if the residents put up 6' fences that is what our residents want. Why should we tell them different?

The Planner said the 75% standard for area open to light and air may have been arbitrarily arrived at from an example without consideration for how it might actually impact the applicants.

Council member John said he has no problem with recommended amendments nos. 1, 2 & 4. He asked if a fence, that is 50% open to air and light, is more or less costly than a solid fence of the same height.

Council member Dunn said the smaller lots are a challenge. A custom-made fence to address the area required to be open to air and light will be more expensive than a standardized solid 6 foot fence. She has no problem with 50%, but 75% is more expensive.

M/S/P Johnston/DeLapp - to Approve Amendments #1, 2, and 4 as stated by the Planner and asked for more information on Amendment #3 regarding the cost of compliance with mandatory percentages of fence area open to air and light. The question was whether such a standard resulted in a more costly custom fence. Planner Dillerud will find out what constitutes custom by the fence suppliers. (Motion passed 5-0).

D. Resolution No. 2004-092:Traffic Signal – Keats/I-94 N. Ramps

The Council received communication 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 cost participation by the City is proposed, but the City's endorsement of the project has been requested by the County.

Council member DeLapp noted these are Woodbury lights and not Lake Elmo lights. There is no Lake Elmo traffic contribution. The City has wanted the County to do something on Hwy 5 regarding signals at Lake Elmo Avenue and they do nothing. He continued that the proposed signals at Keats do not involve safety issues as at Highway 5 and County Road 17.

Council member Dunn reported there was supposed to be a landscaped parkway into the Regional Park, but the County is 20 years late.

It was the consensus of the Council to invite County Engineer Don Theisen to the next meeting to discuss the Keats traffic signal and to bring up the city's lighting standards, safety concerns on Highway 5, and landscaping and paths that have not been followed through.

M/S/P Dunn/John - to postpone consideration of the resolution supporting Washington County's intent to apply for funding to install a traffic signal at the Keats/I-94 North ramps and invite Don Theisen, Washington County, to discuss safety concerns. (Motion passed 4-1:Johnston said this is an exercise in futility because all the County is asking is nothing but support and the City will look uncooperative.)

10. CITY ATTORNEY'S REPORT:

The City Attorney reported the house located on 37th Street has been secured. The county attorney has asked him to prepare a letter describing the city historical contact with that property. He said he has talked to the attorney of the property owner concerned about the parcel on Keats Avenue. The attorney who will be meeting with his client on Thursday and will let Filla know if they will be on the November 9th council committee agenda.

11. CITY ADMINISTRATOR'S REPORT:

A. Holiday Lights

The City Administrator reported the City has the responsibility to maintain, store and install holiday lights in the Old Village area. Several years ago the Jaycees purchased new lights and donated the lights to the City. The Public Works Department has had the

responsibility to maintain and store the lights and the Fire Department has installed the lights. At today's standards related to safety practices suggest the need for the appropriate equipment and experienced personnel to utilize that equipment. The Administrator indicated the Public Works and Fire Department do not have the appropriate equipment to install the holiday lighting. Staff identified Noble Seasonal Lighting, Inc. as a company that specializes in this service and has provided the city with a proposal to install, remove and store the city's seasonal lighting for a price of \$2,500 for the existing inventory of holiday lights.

M/S/P DeLapp/John -- to authorize the Administrator to contract with Noble Seasonal Lighting, Inc. to install, remove and store the city's seasonal lighting for a price of \$2,500 for the existing inventory of holiday lights. (Motion passed 5-0.)

12. CITY COUNCIL REPORTS:

Mayor Hunt reported on the sessions he attended at the MN League Conference in Duluth. He gave an update on the Saturday, Old Village Master Concept Plan workshop where staff, Planning Commission members, public, potential developers attended to listen to a master developer and discuss if there should be a master developer or a master plan or a combination of both. There will be a series of several workshops to work on component parts of the plan. He said with all work done we are within 6 to 9 months to put together a plan so people can react.

Council member Dunn noted that the VBWD hopes to adopt a new management plan for 2005-2015 and will be discussing this plan at its October meetings.

Council member Johnston endorsed attendance at the League Conference. He talked to suppliers of wetland treatment vendors, talked to planning firms. He encourages everyone to exercise their right to vote.

Adjourn the meeting at 9:10 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2004-089 Claims

Resolution No. 2004-090 Bond Sales

Resolution No. 2004-091 Tauer/Pechan Lot Area Variance/Minor Subdivision

MINUTES APPROVED: October 19, 2004
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 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

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 happily 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, Carol Palmquist/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.

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.)

The City Council members were in agreement that full replacement of the existing garage in place would be a better solution for the immediate area than repairing the existing structure or removing the building replacement which would not correct the ordinances.

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.

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

<p>Lake Elmo City Council October 19, 2004 NOVEMBER 3, 2004</p>	<p>Agenda Section: Planning, Land Use & Zoning <u>PUBLIC INFORMATIONAL</u></p>	<p><u>No.</u> 9D 3B.</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 style="text-align: center;">092</p> <p>Motion to adopt Resolution 2004 - , 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 the Minnesota Department of
Transportation, Washington County, Lake Elmo and Woodbury; 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 3rd day of November, 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)

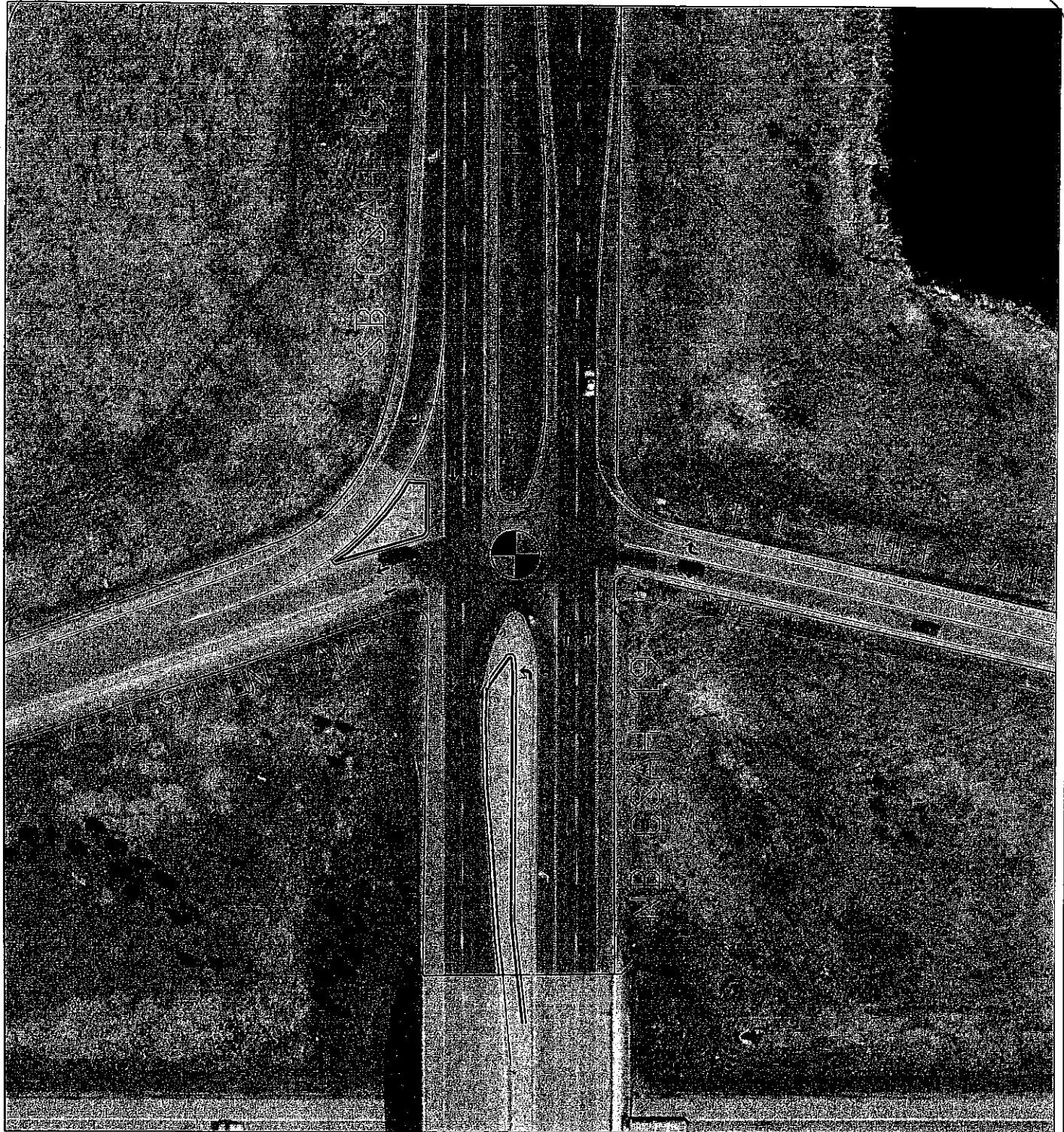
this for comment and council action on Tuesday

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.

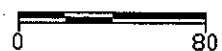


WASHINGTON COUNTY
DEPARTMENT OF TRANSPORTATION
& PHYSICAL DEVELOPMENT
11669 Myron Road North
Silverdale, Minnesota 55082
851-430-4300 FAX 851-430-4250

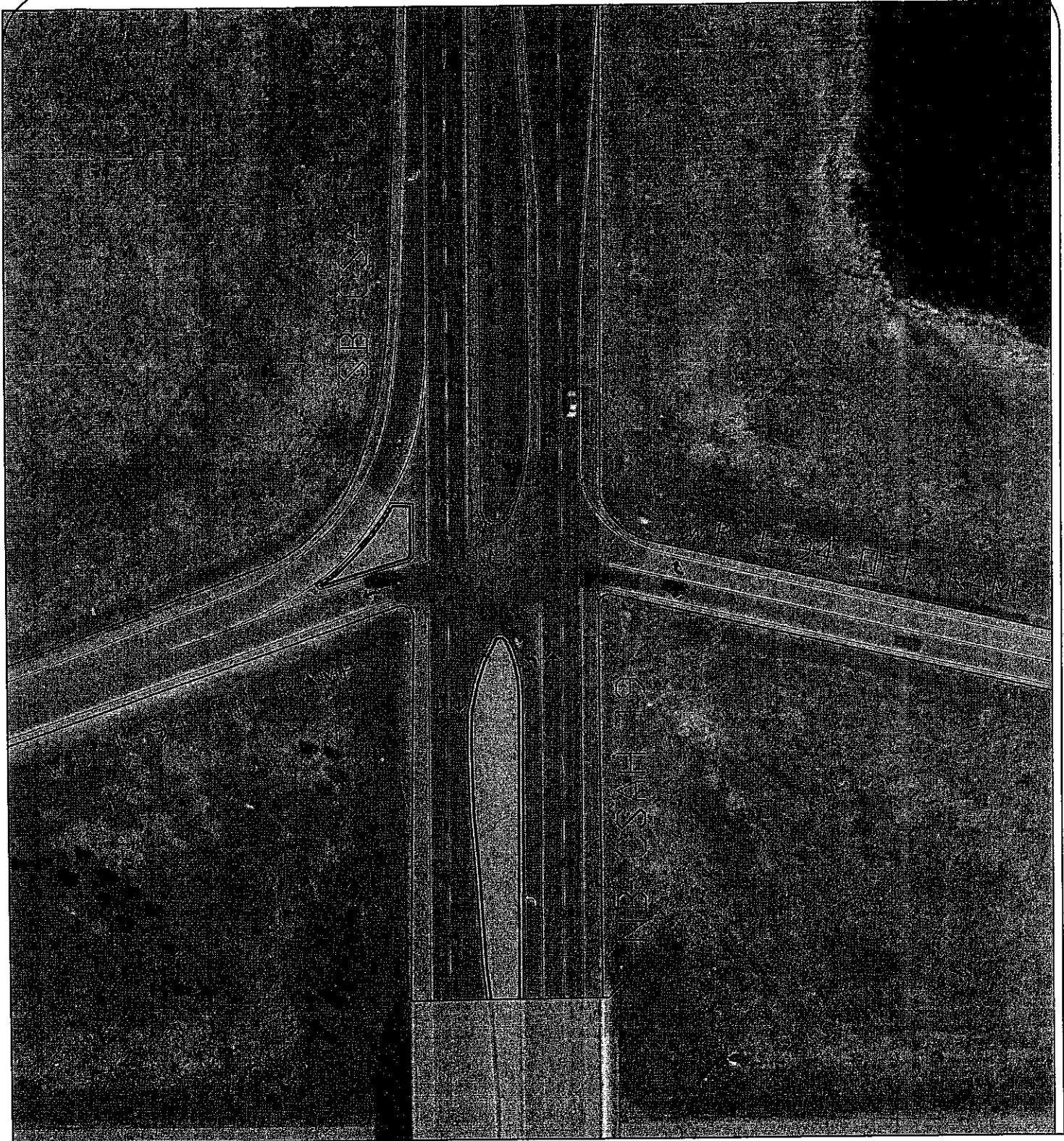
Washington County
Department of Transportation

Local Initiative
Cooperative Agreement
Projects

Traffic Proj. No.:



PROPOSED
FIGURE 2



WASHINGTON COUNTY
DEPARTMENT OF TRANSPORTATION
& PHYSICAL DEVELOPMENT
11666 Myron Road North
Stillwater, Minnesota 55072
851-430-4300 FAX 851-430-4350

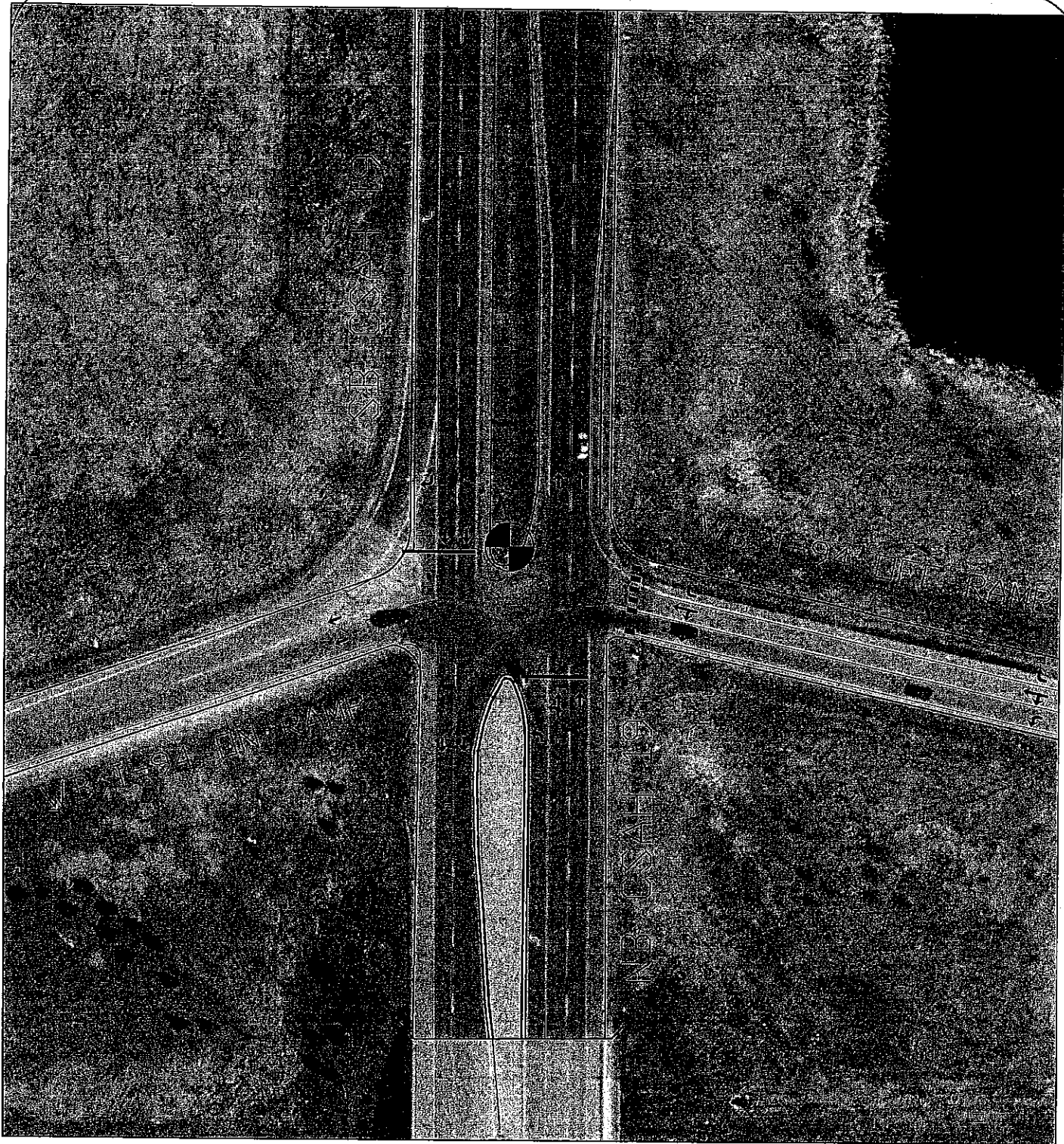
Washington County
Department of Transportation

**Local Initiative
Cooperative Agreement
Projects**

Traffic Proj. No.:



**Existing
FIGURE 1**



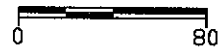
WASHINGTON COUNTY
DEPARTMENT OF TRANSPORTATION
& PHYSICAL DEVELOPMENT
11600 Myron Road North
Stillwater, Minnesota 55082
851-430-4300 FAX 851-430-4300

Washington County
Department of Transportation

Local Initiative
Cooperative Agreement
Projects

Revised - 11-19-03

Traffic Proj. No.:



PROPOSED
FIGURE 2

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

RESOLUTION NO. 2004-093

**A RESOLUTION CANVASSING THE RETURNS AND DECLARING
THE WINNERS OF THE 2004 LOCAL ELECTIONS**

WHEREAS, the Lake Elmo City Council must meet within two days of a City General Election to certify the results of the local election; and

WHEREAS, the following is the results of the City General Election as they appear on the face of the election returns:

	PRECINCT 1	PRECINCT 2	TOTAL
MAYOR			
2-Year Term			
Lee Hunt			
Dean A. Johnston			
Write-In Votes			
Overvotes			
Undervotes			
CITY COUNCIL			
(2) 4-Year Terms			
Liz Johnson			
Susan Dunn			
Charlie Schneider			
Anne Smith			
Write-In Votes			
Overvotes			
Undervotes			
Pre-Registered			
Election Day Registration			
TOTAL Registered			
TOTAL Voted			
PERCENT VOTED			

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council declares _____ as elected as Mayor of the City of Lake Elmo, for a 2-year term, by a majority vote of the registered voters of the City of Lake Elmo.

BE IT FURTHER RESOLVED, that the Lake Elmo City Council declares
_____ and _____ elected as Council members for 4-Year terms, by a
majority of the registered voters of the City of Lake Elmo.

ADOPTED, by the Lake Elmo City Council this 3rd day of November, 2004.

Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

DRAFT

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

**RESOLUTION NO. 2004-094
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 224, 225, DD265 through DD273, 26356 through 26368, were used for Staff payroll dated October 28, 2004 , Claim 26369 through 26414 in the total amount of \$85,160.38 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 2nd day of November, 2004.

Lee Hunt
Mayor

ATTEST:

Martin J. Rafferty
City Administrator

Accounts Payable Computer Check Proof List

User: administrator

Printed: 10/28/2004 - 3:39 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACEHARD 02110211	Ace Hardware Hockey Boards materials Check Total:	60.10 60.10	11/02/2004	Check Sequence: 1 101-450-5200-42250	ACH Enabled: No
Vendor: AIRGAS 105979406	Airgas North Central 1 Year Maint. Fee - Tanks Check Total:	11.92 11.92	11/02/2004	Check Sequence: 2 101-430-3100-44040	ACH Enabled: No
Vendor: ARAM 629-5576690	Aramark Linen - City Hall Check Total:	52.37 52.37	11/02/2004	Check Sequence: 3 101-410-1940-44010	ACH Enabled: No
Vendor: ATTWI 023-2750230	AT&T Wireless Floater Phone - FD Check Total:	20.41 20.41	11/02/2004	Check Sequence: 4 101-420-2220-43210	ACH Enabled: No
Vendor: AVAYA 2158185331	AVAYA Inc. Monthly Telephone Maint. Check Total:	150.36 150.36	11/02/2004	Check Sequence: 5 101-410-1940-44040	ACH Enabled: No
Vendor: BATTERY 31-106742	Batteries Plus - MPLD #31 Batteries - Fire Dept. Check Total:	43.33 43.33	11/02/2004	Check Sequence: 6 101-420-2220-42210	ACH Enabled: No
Vendor: BRYAN 14108	Bryan Rock Products, Inc. Street Maint. rocks Check Total:	336.92 336.92	11/02/2004	Check Sequence: 7 101-430-3100-42240	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: CARQUEST D359219	Car Quest Oil and Fuel Filters for Public Works Check Total:	60.36 60.36	11/02/2004	Check Sequence: 8 101-430-3100-42210	ACH Enabled: No
Vendor: COLLYA Emp. Claim	Bonnie Collyard Fire prev. materials Check Total:	163.94 163.94	11/02/2004	Check Sequence: 9 101-420-2220-42090	ACH Enabled: No
Vendor: DAHLG 25268	Dahlgren Shardlow and Uban Fire Services Analysis Check Total:	125.00 125.00	11/02/2004	Check Sequence: 10 101-420-2220-44300	ACH Enabled: No
Vendor: FARNPLN 1073569	Farm Plan Parts - Roller RF74 Check Total:	274.84 274.84	11/02/2004	Check Sequence: 11 101-450-5200-42210	ACH Enabled: No
Vendor: Foreman 04125	Foreman Fire Service & Repair Mount Fire Ext., Tile under bladder bags Check Total:	228.20 228.20	11/02/2004	Check Sequence: 12 101-420-2220-45800	ACH Enabled: No
Vendor: FOREST 852928-00	FORESTRY SUPPLIERS, INC. Fire Brooms Check Total:	47.70 47.70	11/02/2004	Check Sequence: 13 101-420-2220-42400	ACH Enabled: No
Vendor: FOUR 23-037631	Four Seasons Service City Hall Supplies Check Total:	57.77 57.77	11/02/2004	Check Sequence: 14 101-410-1940-44300	ACH Enabled: No
Vendor: FXL November 2004	FXL, Inc. Assessing Svcs. - November 2004 Check Total:	1,700.00 1,700.00	11/02/2004	Check Sequence: 15 101-410-1550-43100	ACH Enabled: No
Vendor: GENESIS IVC00124 IVC00140 IVC00140 IVC00155	Next Genesis Productions Software Maint Repair - Server Printer - Greg - FD Upgrade Firewall Software - FD	100.00 150.00 314.63 150.00	11/02/2004 11/02/2004 11/02/2004 11/02/2004	Check Sequence: 16 101-410-1520-43180 101-410-1520-43180 101-420-2220-42400 101-420-2220-44300	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	714.63			
Vendor:HENNCOOL 6146	Hennepin Technical College Fire school - Greg M. Check Total:	70.00 70.00	11/02/2004	Check Sequence: 17 101-420-2220-44370	ACH Enabled: No
Vendor:HUMANE 07/01-09/30	Humane Society Companion Animal Impounding Check Total:	3,577.40 3,577.40	11/02/2004	Check Sequence: 18 101-420-2700-43160	ACH Enabled: No
Vendor:I-STATE 27102	I-STATE TRUCK CENTER New ECU and install. - FL80 Check Total:	3,596.36 3,596.36	11/02/2004	Check Sequence: 19 101-420-2220-44040	ACH Enabled: No
Vendor:Johnson November 2004	Johnson Construction Rental - Storage #12 - Fire Dept. Check Total:	90.00 90.00	11/02/2004	Check Sequence: 20 101-420-2220-44120	ACH Enabled: No
Vendor:LINDVENN 290733-0840	Lindquist & Vennum Legal Services through 09/2004 Check Total:	8,147.00 8,147.00	11/02/2004	Check Sequence: 21 101-410-1940-43020	ACH Enabled: No
Vendor:MALMQ Emp. Claim Emp. Claim	GregMalmquist MN Fire Chiefs Conf- Greg M. Atomic Clock Check Total:	327.42 26.11 353.53	11/02/2004 11/02/2004	Check Sequence: 22 101-420-2220-44370 101-420-2220-42400	ACH Enabled: No
Vendor:MENARDSO 63624 63624	Menards - Oakdale Furring Strip Thermostat Check Total:	63.37 14.90 78.27	11/02/2004 11/02/2004	Check Sequence: 23 101-430-3100-42240 101-430-3100-42230	ACH Enabled: No
Vendor:METROCA 01873053	Metrocall Inc. Pagers - Fire Dept. Check Total:	86.21 86.21	11/02/2004	Check Sequence: 24 101-420-2220-43210	ACH Enabled: No
Vendor:MID-MN W INV0401375	MID-MINNESOTA WIRE & MFG Shelves for Hose rack	78.42	11/02/2004	Check Sequence: 25 101-420-2220-45800	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	78.42			
Vendor:MNNAT MN-RFD-175	MN Dept. of Natural Resources Shovels, backpacks, swatters Check Total:	352.04 352.04	11/02/2004	Check Sequence: 26 101-420-2220-42400	ACH Enabled: No
Vendor:MNRURAL 2005 Membership	MN Rural Water Association Membership Check Total:	195.00 195.00	11/02/2004	Check Sequence: 27 601-494-9400-44370	ACH Enabled: No
Vendor:NEXTEL 761950227-019 761950227-019 761950227-019 761950227-019	Nextel Communications Wireless Service - MR and Office Wireless Service - Bldg Dept Wireless Service - Public Works Dept Wireless Service - Parks Check Total:	75.83 32.58 48.87 16.29 173.57	11/02/2004 11/02/2004 11/02/2004 11/02/2004	Check Sequence: 28 101-410-1940-43210 101-420-2400-43210 101-430-3100-43210 101-450-5200-43210	ACH Enabled: No
Vendor:NOBLE 1784	Noble Seasonal Lighting, Inc. Christmas Lights Check Total:	51.06 51.06	11/02/2004	Check Sequence: 29 101-410-1320-44300	ACH Enabled: No
Vendor:PRESS 10/13-10/25	StevenPress Cable operator for Oct 13,19,25 Check Total:	120.00 120.00	11/02/2004	Check Sequence: 30 101-410-1320-43620	ACH Enabled: No
Vendor:QWEST 651714-2209 456	Qwest Telephone - Hudson Lift Station Check Total:	35.82 35.82	11/02/2004	Check Sequence: 31 602-495-9450-43210	ACH Enabled: No
Vendor:RA-MAR 08236 08236	RA-MAR PLUMBING INC Electric Water Heater Electric Water Heater Check Total:	245.00 245.00 490.00	11/02/2004 11/02/2004	Check Sequence: 32 101-430-3100-44040 101-420-2220-44040	ACH Enabled: No
Vendor:REED 2717682	Reed Business Information Ad- Sweeper Sale Check Total:	49.66 49.66	11/02/2004	Check Sequence: 33 101-410-1320-43510	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: Reserve 20313037	Priney Bowes Reserve Account Postage - Reserve Account Check Total:	250.00 250.00	11/02/2004	Check Sequence: 34 101-410-1320-43220	ACH Enabled: No
Vendor: RUD 10/18-10/27 10/19-10/28	Diane Prince-Rud Cleaning City Hall Cleaning Fire Hall Check Total:	240.00 240.00 480.00	11/02/2004	Check Sequence: 35 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No
Vendor: SATELLIT 24180614	Satellite Shelters, Inc. Bldg. Dept. Trailer Office - Mo. Rental Check Total:	319.50 319.50	11/02/2004	Check Sequence: 36 101-420-2400-44120	ACH Enabled: No
Vendor: SCHWARZ Permit 2861 Permit 3604	Schwarz Construction Deposit refund - 8623 27th Str. Deposit refund - 8570 27th Str. Check Total:	1,000.00 1,000.00 2,000.00	11/02/2004	Check Sequence: 37 803-000-0000-22900 803-000-0000-22900	ACH Enabled: No
Vendor: SEH 0119775	Short Elliott Hendrickson, Inc Comp. Trail Plan Dev. Check Total:	4,800.00 4,800.00	11/02/2004	Check Sequence: 38 404-480-8000-43050	ACH Enabled: No
Vendor: SPRINT 0526076028-3	Sprint Wireless laptop - Fire Dept. Check Total:	37.28 37.28	11/02/2004	Check Sequence: 39 101-420-2220-43210	ACH Enabled: No
Vendor: SYMBOL 0039793-IN	Symbol Arts Bagde Check Total:	72.50 72.50	11/02/2004	Check Sequence: 40 101-420-2220-44170	ACH Enabled: No
Vendor: TKDA 200400001588 200400001589 200400001589 200400001589 200400001589 200400001589 200400001589 200400001589	TKDA, Inc. VFW Ballfield Lights See breakdown 55th Street Vacation New City Hall Water sys Interconnect and Exp. Septic Sys - Sunfish Lk, Old Village 45th St. Pond See Breakdown	101.48 2,395.88 74.75 2,045.76 1,225.62 761.07 152.20 3,320.50	11/02/2004	Check Sequence: 41 404-480-8000-43030 101-410-1930-43030 409-480-8000-43030 410-480-8000-43030 601-494-9400-43030 602-495-9450-43030 602-495-9450-43030 803-490-9070-43030	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
200400001590	Meeting attendance	200.00	11/02/2004	101-410-1930-43030	
200400001606	MSA	311.94	11/02/2004	402-480-8000-43030	
200400001607	Hill Trail Overlay	1,725.07	11/02/2004	409-480-8000-43030	
200400001617	Surface Water Mgmt Plan & MS4	4,438.91	11/02/2004	603-496-9500-43030	
200400001618	Water System Study	435.60	11/02/2004	601-494-9400-43030	
200400001646	Water System Interconnection	935.98	11/02/2004	601-494-9400-43030	
	Check Total:	18,124.76			
Vendor: TRKUTI	Truck Utilities			Check Sequence: 42	ACH Enabled: No
0133283	Couplers and Nipples	73.55	11/02/2004	101-430-3100-42210	
	Check Total:	73.55			
Vendor: Twin Saw	Twin City Saw Co.			Check Sequence: 43	ACH Enabled: No
A10462	Shop Supplies	349.95	11/02/2004	101-450-5200-42150	
	Check Total:	349.95			
Vendor: WAS-AG	Washington Cty Agricultural So			Check Sequence: 44	ACH Enabled: No
Donation	Donation for use of Cty Fairgrounds	100.00	11/02/2004	101-420-2220-42090	
	Check Total:	100.00			
Vendor: WORKWELL	Workwell Occupational Health			Check Sequence: 45	ACH Enabled: No
057919	Physicals - Fire Dept.	716.00	11/02/2004	101-420-2220-43050	
	Check Total:	716.00			
Vendor: XCEL	Xcel Energy			Check Sequence: 46	ACH Enabled: No
0073-736-544289	3014 Jamley Ave	22.56	11/02/2004	101-430-3100-43810	
	Check Total:	22.56			
	Total for Check Run:	48,938.29			
	Total Number of Checks:	46			

Lake Elmo City Council 11-03-2004	Agenda Section: CONSENT	<u>No .</u> 4B
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Agenda Item: Certification of the Special Assessment for Hill Trail/50th Street Reconstruction & 2004 Street Overlay Project

Background Information for October 05, 2004:

Attached, please find two Resolutions # 2004-095 and 2004-096 respectively certifying the assessment roll for the Hill Trail/50th Street Reconstruction and the 2004 Street Overlay Project. Such assessments shall be payable in equal annual installments extending over a period of ten years for Hill Trail/50th Street Reconstruction and five years for the 2004 Overlay project and shall bear interest at the rate of 5.25 percent per annum from the date of the adoption of this assessment resolution.

- Action Items:**
- 1) Motion to approve Resolution # 2004-095 assessment certification of the Hill Trail/ 50th Street Reconstruction.
 - 2) Motion to approve Resolution # 2004-096 for the assessment certification of the 2004 Street Overlay Project.

Person responsible:
Tom Bouthilet

Attachments:

1. Resolution # 2004-095
2. Resolution # 2004-096

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004 – 095
RESOLUTION AUTHORIZING CERTIFICATION TO
WASHINGTON COUNTY AUDITOR FOR
HILL TRAIL/50TH STREET RECONSTRUCTION

WHEREAS, the Municipal Code for the City of Lake Elmo contains a provision to certify Street Assessments to the County Auditor for collection with taxes payable.

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

1. The list of properties to be assessed, a copy of which is attached hereto as Exhibit A, and made a part hereof, is hereby accepted and shall be certified to the Washington County Auditor for collection with taxes payable.
2. The certified amount shall be payable over a period of ten (10) years, in equal annual installments with interest as provided in Exhibit A.
3. The owner of the property may, at any time pay to the City of Lake Elmo the entire unpaid amount of the assessment with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charges through December 31 of the succeeding year.
4. The City Administrator shall forthwith transmit a certified duplicate of Exhibit A to the County Auditor to be extended on the property tax lists of Washington County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

ADOPTED, but the Lake Elmo City Council on the 3rd day of November, 2004.

Lee Hunt, Mayor

ATTEST:

Martin Rafferty, City Administrator

City of Lake Elmo
Hill Trail 50th Street
Assessments
Exhibit A

As of 10/28/2004

Term 10 Years GEOCODE	Interest 5.25% per annum First Name	Last Name	Address	Assessed Amount	Interest	Balance Due
05-029-21-44-0040	James & Deborah	Tierney	7978 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0044	Jamie & Mary	Stoudt	8012 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0026	David	Esch	8032 Hill Trail N.	\$2,500.00		\$2,500.00
05-029-21-44-0039	Timothy & Kathleen	Gennrich	7972 Hill Trail N.	\$2,500.00		\$2,500.00
05-029-21-44-0038	Pauline	Malon	7962 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0027	Susan & Joel	Barker	8034 Hill Trail N.	\$2,500.00		\$2,500.00
05-029-21-44-0035	Daniel & Joan	Lindstrom	7959 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0042	Susan & Joel	Barker	8038 Hill Trail N.	\$2,500.00		\$2,500.00
05-029-21-44-0032	Allen & Veronica	Siedle	7951 Hill Trail Ct N.	\$2,500.00		\$2,500.00
05-029-21-44-0033	Rodney & Dolores	Harvey	7949 Hill Trail N.	\$2,500.00		\$2,500.00
05-029-21-44-0028	Roger	Diedrich	7934 Hill Trail N.	\$2,500.00		\$2,500.00
05-029-21-44-0021	Selmer & Lois	Olson	7920 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0039	Jeff & Kelly	Reed	8056 Hill Trail N.	\$2,500.00		\$2,500.00
05-029-21-44-0023	Rollene & Dorothea	Arndt	7931 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0010	Carl & Judith	Abrahamson	8061 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0003	Michael & Maura	Severin	8012 50th Street N.	\$2,500.00		\$2,500.00
04-029-21-33-0038	Thomas & Colleen	Sweno	8076 Hill Trail N.	\$2,500.00		\$2,500.00
05-029-21-44-0015	David Brown	Mary Bunde	7990 50th Street N.	\$2,500.00		\$2,500.00
05-029-21-44-0016	Michael & Maura	Severin	8004 50th Street N.	\$2,500.00		\$2,500.00
04-029-21-33-0018	Mark & Michelle	Deziel	2783 Legion Ave N.	\$2,500.00		\$2,500.00
04-029-21-33-0035	Louis	Le Mire	8084 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0036	Roger & Mary	Kostelnik	8098 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0017	Daniel	Burgess	8085 Hill Trail N.	\$2,500.00		\$2,500.00
04-029-21-33-0015	Christopher	Smith	8036 50th Street N.	\$2,500.00		\$2,500.00
09-029-21-22-0010	Steven & Vickie	Iverson	8108 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0013	William	Isaacson	8017 50th Street N.	\$2,500.00		\$2,500.00
09-029-21-22-0011	Bonnie	Weisbrod	8111 Hill Trail N.	\$2,500.00		\$2,500.00
08-029-21-11-0009	Isaacson Children's	Property	8017 50th Street N.	\$1,250.00		\$1,250.00
09-029-21-22-0014	Thomas	Walsh	8027 50th Street N.	\$2,500.00		\$2,500.00
09-029-21-22-0015	Richard & Frances	Ryan	8033 50th Street N.	\$2,500.00		\$2,500.00
09-029-21-22-0009	Bradley & Amy	Gustafson	8120 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0017	Richard & Karen	Nelson	8123 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0008	Michael & Ruth	Schranz	5831 Hytrail Ave N.	\$2,500.00		\$2,500.00
09-029-21-22-0007	James	Marchio	8130 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0003	Donald	Wackerfuss	8148 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0024	Carrie	Berg	8151 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0004	Jacqueline	Hubenette	8160 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0006	Patrick & Kathleen	Sinclair	8164 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0005	Nicholas & Lind	Linsmayer	8170 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0002	Stephen	Butzer	8180 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0008	William & Karen	Welter	8181 Hill Trail N.	\$2,500.00		\$2,500.00
09-029-21-22-0003	Frederick	Paul	8186 Hill Trail N.	\$2,500.00		\$2,500.00
05-029-21-44-0024	Roger & Candice	Johnson	8048 Hill Trail N.	\$2,500.00		\$1,875.00
04-029-21-33-0030	Roger & Candice	Johnson	8048 Hill Trail N.	\$2,500.00		\$1,875.00
09-029-21-22-0012	Jerry	Lemire	8051 50th Street N.	\$2,500.00		\$2,500.00

45 \$111,250.00

\$110,000.00

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2004 – 096
RESOLUTION AUTHORIZING CERTIFICATION OF
ASSESSMENTS TO WASHINGTON COUNTY AUDITOR FOR
2004 OVERLAY PROJECT

WHEREAS, the Municipal Code for the City of Lake Elmo contains a provision to certify Street Reconstruction Assessments to the County Auditor for collection with taxes payable.

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

1. The list of properties to be assessed, a copy of which is attached hereto as Exhibit A, and made a part hereof, is hereby accepted and shall be certified to the Washington County Auditor for collection with taxes payable.
2. The certified amount shall be payable over a period of Five (5) years, in equal annual installments with interest as provided in Exhibit A.
3. The owner of the property may, at any time pay to the City of Lake Elmo the entire unpaid amount of the assessment with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charges through December 31 of the succeeding year.
4. The City Administrator shall forthwith transmit a certified duplicate of Exhibit A to the County Auditor to be extended on the property tax lists of Washington County. Such assessments shall be collected and paid over in the same manner as other municipal taxes.

ADOPTED, but the Lake Elmo City Council on the 3rd day of November, 2004.

Lee Hunt, Mayor

ATTEST:

Martin Rafferty, City Administrator

2004 Street Overlay

Assessments

Exhibit A

As of 10/28/2004

Term 5 Years	Interest 5.25% per annum						
Geo Code	First Name	Last Name	Number	Street	Amount	Assessed	Balance
10-029-21-22-0022	Eric & Sarah	Larson	9191	49th Street	\$1,222.00		\$1,222.00
10-029-21-21-0012	Michael A & Perpetu	McDonald		Jane Circle N.	\$1,222.00		\$1,222.00
10-029-21-21-0014	Steven & Paula	Wood	9389	Jane Circle N.	\$1,222.00		\$1,222.00
10-029-21-21-0013	Christopher & Monique	Kolb	9387	Jane Circle N.	\$1,222.00		\$1,222.00
10-029-21-21-0015	James Merit & Rudeen	Darst	9393	Jane Circle N.	\$1,222.00		\$1,222.00
10-029-21-21-0009	Bruce & Sandy	Callen	9379	Jane Circle N.	\$1,222.00		\$1,222.00
10-029-21-21-0010	Dennis & Carol	Larson	9381	Jane Circle N.	\$1,222.00		\$1,222.00
10-029-21-21-0016	Tin & Jennifer	Tran	9395	Jane Circle N.	\$1,222.00		\$1,222.00
10-029-21-22-0021	David & Mary	Johnson	4980	Jasper Ave N.	\$1,222.00		\$1,222.00
3-029-21-33-0017	Helmut & Joan	Porcher	4990	Jasper Ave N.	\$1,222.00		\$1,222.00
10-029-21-22-0018	Richard Carmon & Ann	Hawkins	4850	Jasper Ave N.	\$611.00		\$611.00
10-029-21-21-0021	Chester & Mary Pat	Moutrie	4855	Jerome Ave N.	\$1,222.00		\$1,222.00
10-029-21-21-0022	Dennis & Barbara	Markie	4865	Jerome Ave N.	\$1,222.00		\$1,222.00

Total

\$15,275.00

\$15,275.00

\$0.00

Lake Elmo City Council 11-03-2004	Agenda Section: FINANCE	<u>No.</u> 5A
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Agenda Item: Brokerage Investment Account

Background Information for October 05, 2004:

Attached, please Corporate Resolution # 2004-097 authorizing the City to open an investment account with Pershing LLC through Northland Securities, Inc. The City would like the opportunity to consider the option of utilizing Pershing LLC / Northland Securities, Inc for the purpose of investing the Bond proceeds. They are already familiar with our future plans for these funds and perhaps could design an investment strategy to yield the best return on our investment. This resolution only authorizes the use of the investment company and should be noted the City has not made a final determination on the financial investment company that will be utilized.

<u>Action Items:</u> 1) Motion to approve Corporate Resolution No. 2004-097 authorizing an investment account with Pershing LLC	<u>Person responsible:</u> Tom Bouthilet
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<u>Attachments:</u> 1. Resolution # 2004-097	
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**CORPORATE RESOLUTION
FOR
BROKERAGE INVESTMENT ACCOUNT**

**EXTRACT OF MINUTES OF A MEETING OF THE
CITY COUNCIL OF THE CITY
OF LAKE ELMO, MINNESOTA**

HELD: November 3, 2004

Pursuant to due call and notice thereof, a regular meeting of the City Council (the Council) of the City of Lake Elmo (the City), Washington County, Minnesota, was duly called and held at the City Hall in the City on Wednesday, November 3, 2004, at 7:00 p.m.

The following members were present:

Lee Hunt, Steve DeLapp, Susan Dunn, Wyn John, Dean Johnston

And the following were absent:

Member _____ introduced the following resolution and moved its adoption:

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

**RESOLUTION 2004 – 097
RESOLUTION AUTHORIZING AN INVESTMENT ACCOUNT WITH PERSHING
LLC**

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

Section 1: Recital.

1.01. The City, pursuant to Minnesota Statutes, Sections 118A.01 through 118A.08, has authority to invest “Public Funds” as defined in Minnesota Statutes, Section 118A.01(4)

1.02. Public Funds may be invested in the manner and in the securities detailed in Minnesota Statutes, Sections 118A.04 and 118A.05.

1.03. Minnesota Statutes, Section 118A.02(1) permits the City Council to authorize the treasurer or chief financial officer to make investments.

1.04. The City of Lake Elmo is a "government Entity" as defined in Minnesota Statutes, Section 118A.01 (2).

1.05. Subject to compliance with Minnesota Statutes, Section 118A.04 (9), the treasurer or chief financial officer may purchase securities through a broker-dealer.

Section 2: Approval of Account/Investments.

2.01. The Financing Director, who is the City's "treasurer or chief financial officer", is authorized to open and maintain an investment account with Pershing LLC through Northland Securities, Inc. ("NSI"), and any Pershing or NSI affiliate, subsidiary, or successor corporation, for the purpose of buying and selling such securities as may be permitted by Minnesota Statutes, Sections 118A.01 through 118A.08. The trading of options, trading on margin, and selling short is not authorized.

2.02. The _____ or any duly appointed deputy thereto is authorized to act on behalf of the City with respect to the Pershing/NSI investment accounts without any limitations. This authority includes, but is not limited to, the authority to open and close investment accounts, to execute documents on behalf of the City, to order securities transactions, to order assignment or transfer of securities and distribution of proceeds, and to otherwise make investment decisions on behalf of the City with respect to any investments or investment accounts.

2.03. That Pershing/NSI and all transfer agents are authorized to rely upon the oral or written instructions of the _____ without further inquiry into that person's authority to act on behalf of the City. Furthermore, Pershing/NSI and all transfer agents may continue to exercise such reliance until the City provides Pershing/NSI with a certified copy of a resolution of the City revoking or modifying this resolution.

The motion for the adoption of the foregoing resolution was duly seconded by Member _____ and upon voted being taken thereon, the following voted in favor thereof:

and the following voted against the same:

Whereupon said resolution was declared duly passed and adopted on _____

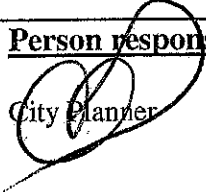
STATE OF MINNESOTA)
)SS
COUNTY OF _____)

I, the undersigned, being the duly qualified and acting City Clerk of the City of Lake Elmo, _____ County, Minnesota, DO HEREBY CERTIFY, that I have carefully compared the preceding extract of minutes of a meeting of the City Council of said City held on the date therein indicated with the original minutes thereof on file in my office and that the same is a full, true and correct transcript thereof insofar as said minutes relate to the topic described in the title of the resolution set forth in the extract.

WITNESS my hand officially and the official seal of the City on _____

City Clerk

(SEAL)

<p>Lake Elmo City Council November 3, 2004</p>	<p>Agenda Section: Planning, Land Use & Zoning</p>	<p><u>No.</u> 9A</p>
<p><u>Agenda Item:</u> CDBG Sub-recipient Contract -- 2004/2005</p>		
<p><u>Background Information for November 3, 2004:</u></p> <p>The City has finally received the draft contract covering the \$48,200 CDBG grant to the City for CDBG fiscal year 2004/2005. (July 1, 2004 to June 30, 2005) These grant funds will be utilized to provide City grants to income-qualified Cimarron Neighborhood residents for total replacement of natural gas services from the meter in. The 2004 Gas Service Inspection Project detected numerous cases both deteriorating and improperly installed gas service piping/valving from the sample of units inspected (the oldest 40% of the 505 units at Cimarron). Based on those inspection outcomes, the Community Improvement Commission has recommended redirection of the program from continued inspections of the remaining (newer) units to immediate correction of the issues detected in the units already inspected.</p> <p>The 15 page draft sub-recipient contract is mostly the certifications and assurances required in any Federal contract. The only portion of the contract specific to the Lake Elmo program in is found on Page 11. Note the two modifications proposed by City Staff.</p>		
<p><u>Action items:</u></p> <ol style="list-style-type: none"> 1. Motion to approve the 2004/2005 CDBG sub-recipient contract with Washington County and to authorize the Mayor and City Administrator to execute the same. 	<p><u>Person responsible:</u></p> <p> City Planner</p>	
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Draft Contract 2. Community Improvement Commission Minutes of August 10, 2004 	<p><u>Time Allocated:</u></p>	

COMMUNITY IMPROVEMENTS COMMISSION SPECIAL MEETING MINUTES TUESDAY, AUGUST 10, 2004 @ 7:15PM

The meeting was called to order at 7:15 PM. Commission members in attendance were Jill Anderson, Stacy Howieson, Debbie Lyzenga, Anne Smith, and Joan Ziertman. Marty Rafferty; City Administrator, Chuck Dillerud; City Planner, and Dean Johnston; Councilmember, were also in attendance.

The purpose of the meeting was to discuss alternate proposals for spending the currently allocated CDBG funds of approximately \$48,000. During the last CIC meeting a motion was passed to discontinue the gasline inspection program in Cimarron, thus the need to discuss alternative CDBG fund spending.

Debbie brought a piece of gasline that had been removed from one of the original movillas in Cimarron, due to degradation. The pipe demonstrated the degree of deterioration present in many of the homes, and suggested by the preliminary inspections done by Mobile Home Improvement. Following this demonstration, Debbie expressed that despite the question of sufficient funding, the issue of gasline replacement needed to be pursued. Debbie proposed that a new program and ordinance be developed to mandate that all gaslines be replaced on all homes within guidelines to be developed by Chuck Dillerud.

Chuck Dillerud informed the Commission members that the potential for additional funding now existed, and that he would investigate that possibility. Given the time constraints imposed by the current funding, Chuck Dillerud will develop the new ordinance, pursue funding options, and complete contracts with Washington County to move this new program forward as soon as possible.

Anne made the motion directing Chuck Dillerud to take the steps discussed to get the new program under way. Jill seconded the motion, and it carried 5 to 0.

Chuck Dillerud will report back to the Commission as soon as possible, and present a new ordinance proposal to the City Council.

Meeting adjourned at 7:45 PM.

Meeting minutes by Deborah Lyzenga; Chair

**Community Development Block Grant Program
Subgrantee Agreement between
Washington County and the City of Lake Elmo**

This Agreement is made and entered into this _____ day of _____ in furtherance of the requirements of the Federal Community Development Block Grant (CDBG) Program by and between Washington County, hereinafter referred to as the "Grantee," and the City of Lake Elmo, 3800 Laverne Avenue, Lake Elmo, MN, 55042, hereinafter referred to as the "Subgrantee."

WHEREAS, the Grantee is the administering agency for funds received from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383, to Washington County as an Urban Entitlement County under the Community Development Block Grant (CDBG) Program; and

WHEREAS, the Grantee wishes to engage the Subgrantee to assist the Grantee in utilizing such funds; and

WHEREAS, the Subgrantee wishes to implement a project known as Lake Elmo Gas Service Inspections utilizing \$48,200.00 of 2004 CDBG funds.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Grantee and Subgrantee agree as follows:

1. **Term.** Services of the Subgrantee shall start on the first day of October, 2004 and end on the last day of December, 2005.
2. **Commencement and Termination of Projects.** Upon release of project-related funds by the U.S. Department of Housing and Urban Development (HUD), pursuant to federal regulations, the Grantee shall furnish the Subgrantee with written notice to proceed. No work on the project shall occur prior to the notice to proceed without written approval from the Grantee. Costs incurred after the termination date will not be reimbursed. The termination date may be changed through amendment of this Agreement.
3. **National Objectives.** The Subgrantee certifies that the activities carried out with funds provided under this Agreement will meet one or more of the CDBG program's national objectives, as defined in 24 CFR part 570.208, including: (1) benefit low and moderate income persons; (2) aid in the prevention or elimination of slums and blight; and (3) meet community development needs having a particular urgency.
4. **Federal and Local Program Compliance.** The Subgrantee agrees to comply with the Housing and Community Development Act of 1974, Public Law 93-383 as amended, and Implementing Regulations at 24 CFR part 570. The Subgrantee agrees to perform all the tasks enumerated below in a manner that will meet or exceed the terms and conditions imposed upon the Grantee in administering the CDBG program and ensure program compliance with applicable Federal regulations:
 - 4.1 **Citizen Participation.** Comply with all HUD citizen participation requirements (24 CFR 570).
 - 4.2 **Procurement Standards.** In awarding contracts pursuant to this Agreement, the Subgrantee shall comply with all applicable requirements of local and state law for awarding contracts, including but not limited to procedures for competitive bidding, contractor's bonds, and retained percentages. In addition, the Subgrantee shall comply with the requirements of the U.S. Office of Management and Budget Circular A-102 or A-110 as appropriate, relating to bonding, insurance and procurement standards; with Executive Order 11246 regarding nondiscrimination bid conditions for projects

over Ten Thousand dollars (\$10,000.00); and with HUD procurement requirements, as described in 24 CFR part 85.36. Where federal standards differ from local or state standards, the stricter standards shall apply.

4.3 Environmental Review.

4.3.a National Environmental Policy Act. The Grantee retains environmental review responsibility for purposes of fulfilling requirements of the National Environmental Policy Act as implemented by HUD Environmental Review Procedures (24 CFR part 58). The Grantee may require the Subgrantee to furnish data, information and assistance for the Grantee's review and assessment in determining whether an Environmental Impact Statement must be prepared.

4.3.b State Environmental Policy Act. Subgrantees that are branches of government under Minnesota Law retain responsibility for fulfilling the requirement of the State Law regarding environmental policy and conservation, and regulations and ordinances adopted thereunder. If the agency is not a branch of government under Minnesota Law, the Grantee may require the agency to furnish data, information and assistance as necessary to enable the Grantee to comply with the State Environmental Policy Act.

4.3.c Satisfaction of Environmental Requirements. Project execution under this Agreement by either the Grantee or the Subgrantee shall not proceed until satisfaction of all applicable requirements of the National and State Environmental Policy Acts. A written notice to proceed will not be issued by the Grantee until all such requirements have been met.

4.4 Non-Discrimination. The Subgrantee shall comply with all federal, state and local laws prohibiting discrimination on the basis of age, sex, sexual orientation, marital status, race, creed, color, national origin, or the presence of any sensory, mental or physical handicap or any other basis now or hereafter prohibited by Law. These requirements are specified in Section 109 of the Housing and Community Development Act of 1974; Civil Rights Act of 1964, Title VI; Civil Rights Act of 1964, Title VII; Executive Orders 11063 and 11246; and Section 3 of the Housing and Urban Development Act of 1968. Specifically, the Agency is prohibited from taking any discriminatory actions defined in the HUD Regulations at 24CFR 570.602 Section 109 and shall take such affirmative and corrective actions as are required by the Regulations at CFR 570.602. These requirements are summarized in the following paragraphs:

4.4.a Program Benefit. The Subgrantee shall not discriminate against any resident of the project service area by denying benefit from or participation in any block grant funded activity on the basis of race, color, sex, sexual orientation, or national origin. (Civil Rights Act of 1964, Title VI; Civil Rights Act of 1964, Title VII; Section 109, Housing and Community Development Act of 1974)

4.4.b Fair Housing. The Subgrantee shall take necessary and appropriate actions to prevent discrimination in federally assisted housing and lending practices related to loans insured or guaranteed by the federal government. (Civil Rights Act of 1964; Executive Order 11063)

4.4.c Employment. The Subgrantee shall ensure that compliance with Section 3 of the Housing and Community Development Act Women and Minority Business requirements, Federal Equal Employment Opportunity Act, Executive Orders, and Civil rights Act of 1964, is maintained.

(1) In all solicitation under this Agreement, the Subgrantee shall state that all qualified applicants will be considered for employment. The words "equal opportunity employer" in advertisements shall constitute compliance with this section.

- (2) The Subgrantee shall not discriminate against an employee or applicant for employment in connection with this Agreement because of age, marital status, race, creed, color, national origin, or the presence of any sensory, mental or physical handicap, except when there is a bona fide occupational limitation. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training. (Executive Order 11246, as amended.)
- (3) To the greatest extent feasible, the Subgrantee shall provide training and employment opportunities for lower income residents within the area served by block grant assisted projects. (Section 3, Housing and Community Development Act of 1968, as amended)

4.4.d Contractors and Suppliers.

- (1) No contractor, subcontractor, union or vendor engaged in any activity under this Agreement shall discriminate in the sale of materials, equipment or labor on the basis of age, sex, sexual orientation, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap. Such practices include upgrading, demotion recruiting, transfer, layoff, termination, pay rate, and advertisement for employment. (Executive Order 11246, as amended)
- (2) All firms and organizations described above shall, upon request, be required to submit to the Subgrantee certificates of compliance demonstrating that they have, in fact, complied with the foregoing provisions, provided that certificates of compliance shall not be required from firms and organizations on contracts and/or yearly sales of less than \$10,000.
- (3) To the greatest extent feasible, the Subgrantee shall purchase supplies and services for activities under this Agreement from vendors and contractors whose businesses are located in the area served by block grant funded activities or owned in substantial part by project area residents. (Section 3, Housing and Community Development Act of 1968, as amended)

4.4.e Notice. The Subgrantee shall include the provisions of the appropriate preceding subsections a, b, c and d of this section in every contract or purchase order for goods and services under this Agreement and shall send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice advising the said labor union or worker's representative of the commitments made in these subsections. In advertising for employees, goods or services for activities under this Agreement, the Subgrantee shall utilize minority publications in addition to publications of general circulation.

4.5 Labor Standards.

- 4.5.a The Subgrantee shall request wage determination from the Grantee or HUD on all projects in which Davis-Bacon requirements apply. The Subgrantee shall require that project construction contractors and subcontractors pay their laborers and mechanics at wage rates in accordance with the Davis-Bacon Act, as amended (40 USC Sections 327-333) and the Regulations at 24 CFR part 42 and 49 CFR part 24, provided that this section shall not apply to rehabilitation or residential property designed for residential use by fewer than eight families.

- 4.5.b A copy of the current Davis-Bacon wage rate and HUD forms 4010 and 92010 must be included in all construction bid specs and contracts over Two Thousand (\$2,000.00) dollars.
- 4.5.c The Subgrantee shall conduct all preconstruction conferences to ensure contractors and subcontractors are aware of Davis-Bacon requirements and how to comply.
- 4.5.d The Subgrantee shall review all required reports and forms submitted by contractors in all CDBG projects in the jurisdiction of the Subgrantee.
- 4.6 Property Management. The Subgrantee agrees that any nonexpendable personal property, purchased wholly or in part with CDBG funds at a cost of Five\ Hundred (\$500.00) dollars or more per item, is upon its purchase or receipt the property of the Grantee and/or Federal government. Final ownership and disposition of such property shall be determined under the provisions of the U.S. Office of Management and Budget Circular A-102 or A-110 as appropriate.
- 4.7 Acquisition and Relocation.
- 4.7.a Any acquisition of real property for any activity assisted under this Agreement shall comply with Title III of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter referred to as the Uniform Act) (42 USC section 4601) and the Regulations at 24 CFR part 42.
- 4.7.b Any displacement of persons, business, nonprofit organizations or farms as the result of acquisition of real property assisted under this Agreement shall comply with Title II of the Uniform Act as amended by the Uniform Relocation Act as amended by Title IV of the Surface Transportation and Uniform Relocation Assistance Act as amended (Pub. L. 100-17, 101 Stat. 246-256) and the Regulations at 49 CFR part 24. The Subgrantee shall comply with the Regulations pertaining to costs of relocation and written policies, as specified by 24 CFR 570.606(a) and (b).
- 4.7.c In any activity assisted under this Agreement which results in demolition or conversion to another use of low/moderate income housing, the Subgrantee will follow the requirements set forth in the revised section 104(d) of the Housing and Community Development Act of 1974, as amended and implementing regulations.
- 4.8 Historic Preservation. The Subgrantee shall comply with the requirements of the National Historic Preservation Act of 1966 (16 USC 470 et seq.) as amended, Public Law 89-665, the Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291) and Executive Order 11593, including the procedures prescribed by the Advisory Council on Historic Preservation in the Regulations at 36 CFR part 800 (16 USC 469 et seq.). The Subgrantee shall comply with the Federal historic preservation regulations including 36 CFR part 800 and the Reservoir Salvage Act of 1960 as amended by the Archaeological and Historic Preservation Act of 1974 (16 USC 469 et seq.) Activities affecting property listed in or found to be eligible for inclusion in the National Register of Historic Places will be subject to requirements set forth in HUD Environmental Review Procedures at 24 CFR part 58.
- 4.9 Architectural Barriers. Any facility constructed pursuant to this Agreement shall comply with design requirements of the Architectural Barriers Act of 1968 (42 USC section 4151 et seq. and 24 CFR 40 et seq.)
- 4.10 Nonparticipation in Political Activities. The Subgrantee shall comply with the provisions of the Hatch Act (5 USC Chapter 15).

- 4.11 Conditions for Religious Organizations. The Subgrantee agrees that funds provided under this Agreement will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the Federal regulations specified in 24 CFR 570.200(j).
- 4.12 Floodplain Management and Wetland Protection. The Subgrantee shall comply with Executive Order 11988 and HUD regulations 24 CFR 55 regarding floodplain management. The Subgrantee shall also comply with Executive Order 11990 and the regulations at 3 CFR, particularly sections 2 and 5, regarding protection of wetlands.
- 4.13 National Flood Insurance. The Subgrantee may not receive CDBG funding for acquisition or construction for use in any area that has been identified as having special flood hazards and is not participating in the National Flood Insurance Program, as provided by Section 3(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and the Regulations thereunder (24 CFR 58.6). The Subgrantee shall comply with the regulations at 24 CFR 570.605.
- 4.14 Air and Water Pollution. The Subgrantee shall comply with the provisions of the Clean Air Act (42 USC section 1857 et seq.) as amended, and the Federal Water Pollution Control Act (33 USC sections 1251 et seq.) as amended, and the regulations issued thereunder (40 CFR part 15).
- 4.15 Lead-Based Paint Poisoning. The Subgrantee shall comply with the HUD Lead-Based Paint regulations (24 CFR part 35) issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 USC Sections 4831 et seq.) requiring: (1) prohibition of the use of lead-based paint (whenever funds under this Agreement are used directly or indirectly for construction, rehabilitation, or modernization of residential structures); (2) elimination of immediate lead-based paint hazards in residential structures; and (3) notification of the hazards of lead-based paint poisoning to purchasers and tenants of residential structures constructed prior to 1978.
- 4.16 Sole Source Aquifers. The Subgrantee shall comply with the Safe Drinking Water Act of 1974 (42 USC 201, 300(f) et seq. and 21 USC 349) as amended and Sole Source Aquifers regulations (40 CFR part 149).
- 4.17 Endangered Species. The Subgrantee shall comply with the Endangered Species Act of 1973 (16 USC 1531 et seq.) as amended, particularly section 7 (16 USC 1536).
- 4.18 Wild and Scenic Rivers. The Subgrantee shall comply with the Wild and Scenic Rivers Act of 1968 (16 USC 1271 et seq.) as amended, particularly sections 7(b) and (c) (16 USC 1278(b) and (c)).
- 4.19 Air Quality. The Subgrantee shall comply with the Clean Air Act (42 USC 7401 et seq.) as amended, particularly sections 176(c) and (d) (42 USC 7506(c) and (d)).
- 4.20 Farmlands Protection. The Subgrantee shall comply with the Farmlands Protection Policy Act of 1981 (7 USC 4201 et seq.) particularly sections 1540(b) and 1541 (7 USC 4201(b) and 4202), and Farmland Protection Policy regulations (7 CFR part 658).

- 4.21 Noise. The Subgrantee shall comply with HUD Noise regulations (24 CFR part 51).
- 4.22 Coastal Zone Management. The Subgrantee shall comply with the Coastal Zone Management Act of 1972 (16 USC 1451 et seq.) as amended.
- 4.23 Non-Discrimination Based on Disability. When and where applicable, the Subgrantee shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 USC 794) and Title II of the Americans with Disabilities Act as amended (Pub. L. 101-336, 1990), to ensure that no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance under this Agreement.
- 4.24 Non-Substitution for Local Funding. The Subgrantee shall not utilize CDBG funds made available under this Agreement to reduce the amount of local financial support for community development activities below the level of such support prior to the availability of funds under this Agreement.
- 4.25 Public Ownership. For Subgrantees which are not municipal corporations organized under the laws of the State of Minnesota, it may become necessary to provide the Grantee a property interest where the project calls for the acquisition, construction, reconstruction, rehabilitation, or installation of publicly-owned facilities and improvements. The Subgrantee shall comply with current Grantee policy regarding transfer of a property interest sufficient to meet the public ownership requirement.
- 4.26 Public Information. In all news releases and other public notices related to projects funded under this Agreement, the Subgrantee shall include information identifying the source of funds as the Washington County Community Development Block Grant Program.
- 4.27 Applicable Uniform Administrative Requirements.
- 4.27.a A Subgrantee which is a governmental entity (including public agencies) shall comply with the requirements and standards of OMB Circular A-87 (Principles for Determining Costs Applicable to Grants and Contracts with State, Local and Federally recognized Indian Tribal Governments), OMB Circular A-133 (Audits of State and Local Governments) and with the following sections of 24 CFR part 85, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments:
- (1) Section 85.3 "Definitions"
 - (2) Section 85.6 "Additions and Exceptions"
 - (3) Section 85.12 "Special grant or subgrant conditions for 'high-risk' grantees"
 - (4) Section 85.20 "Standards for financial management systems" except paragraph (a)
 - (5) Section 85.21 "Payment" except as modified by 24 CFR 570.513
 - (6) Section 85.22 "Allowable costs"
 - (7) Section 85.26 "Non-federal audits"
 - (8) Section 85.32 "Equipment" except in cases in which the equipment is sold, the proceeds shall be program income
 - (9) Section 85.33 "Supplies"
 - (10) Section 85.34 "Copyrights"
 - (11) Section 85.35 "Subawards to debarred and suspended parties"
 - (12) Section 85.36 "Procurement" except paragraph (a)
 - (13) Section 85.37 "Subgrants"
 - (14) Section 85.40 "Monitoring and reporting program performance" except paragraphs (b), (c), (d) and (f)
 - (15) Section 85.41 "Financial reporting" except paragraphs (a), (b) and (e)

- (16) Section 85.42 "Retention and access requirements for records"
- (17) Section 85.43 "Enforcement"
- (18) Section 85.44 "Termination for convenience"
- (19) Section 85.51 "Later disallowances and adjustments"
- (20) Section 85.52 "Collection of amounts due"

4.27.b A Subgrantee that is not a governmental entity, shall comply with the requirements and standards of OMB Circular A-122 (Cost Principles for Non-Profit Organizations) or OMB Circular A-21 (Cost Principles for Educational Institutions), as applicable, and with OMB Circular A-110, (Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations).

4.28 Section 3 Compliance. The Subgrantee agrees to comply with the requirements 24 CFR 135 (Economic Opportunities for Low and Very Low-Income Persons) to ensure that employment and other economic opportunities generated in connection with this Agreement shall, to the greatest extent possible, consistent with existing Federal, State and local laws and requirements, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing and to business concerns which provide economic opportunities to low- and very low-income persons.

4.28.a The Subgrantee agrees to comply with HUD's regulations in 24 CFR 135.38 and to include the section 3 clause in every subcontract subject to compliance with regulations in 24 CFR 135. Housing and community development projects subject to this provision include housing rehabilitation, housing construction, and other public construction projects as defined in 24 CFR 135.5, Section 3 covered assistance.

4.28.b The Subgrantee will not subcontract with any contractor where the Subgrantee has notice or knowledge that the contractor has been found in violation of the regulations in 24 CFR 135.

4.29 Other Program Requirements. The Subgrantee shall carry out each activity in compliance with all other Federal Acts, regulations and requirements, including but not limited to Executive Order 11246 prohibiting discrimination in employment contracts and directing government contracts to establish and maintain affirmative action, and all Federal laws and regulations described in 24 CFR 570, subpart K except that:

4.29.a The Subgrantee does not assume the Grantee's environmental responsibilities (24 CFR 570.604), unless otherwise specified herein; and

4.29.b The Subgrantee does not assume the Grantee's responsibility for initiating the review process under the provisions of 24 CFR part 52.

5. Evaluation and Reports. The Subgrantee agrees to participate with the Grantee in any evaluation project or performance report, as designed by the Grantee or the appropriate Federal agency, and to make available all information required by any such evaluation process. The Subgrantee further agrees to submit monitoring reports using the format supplied by the Grantee. These reports shall be due quarterly on the tenth day of the January, April, July, and September and shall be submitted to Mary Farmer- Kubler, Washington County Community Services, 14949 62nd Street North, MN 55082. The Subgrantee shall also provide such reports as required by the Grantee on an annual basis and prior to project execution.

6. Audits and Inspections. The Subgrantee shall obtain an independent audit for any calendar year during which the agency received at least \$500,000 of Federal funds. Such audit shall be made by qualified individuals who are sufficiently independent of those who authorize the expenditure of Federal funds. The audit report shall state that the audit was performed in accordance with the generally accepted

governmental audit standards for financial compliance audits of the US General Accounting Office Standards for Audit of Governmental Organizations, Programs, Activities and Functions, and the provisions of OMB Circular A-110. When applicable, the Subgrantee shall also comply with the audit requirements of revised OMB Circular A-133 (June 24, 1997).

7. Records.

7.1 The Subgrantee shall compile and maintain records required by HUD regulations (24 CFR 570.506) including:

7.1.a Financial Management. Financial management records shall identify adequately the source and application of funds for activities within this Agreement, in accordance with the provisions of the U.S. Office of Management and Budget Circular A-102 or A-110 as appropriate. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

7.1.b Citizen Participation. Narrative and other documentation describing the process used to inform citizens concerning the amount of funds available, the ranges of project activities undertaken, and opportunities to participate in funded block grant projects.

7.1.c Relocation. Indication of the overall status of the relocation workload and a separate relocation record for each person, business, organization, and farm operation displaced or in the relocation workload.

7.1.d Property Acquisition. The Subgrantee files must contain:

- (1) invitation to the property owner to accompany appraiser during inspection;
- (2) at least one property appraisal;
- (3) statement of basis for determination of just compensation;
- (4) written offer of just compensation;
- (5) all documents involving conveyance;
- (6) settlement cost reporting statement; and
- (7) notice to surrender possession of premises.

7.1.e Equal Opportunity. Racial, ethnic, and gender data showing the extent to which these categories of persons have participated in, or benefited from, the activities carried out under this Agreement. The Subgrantee shall also maintain data which records its affirmative action in equal opportunity employment, and its good-faith efforts to identify, train, and/or hire lower-income residents of the project area and to utilize business concerns which are located in or owned in substantial part by persons residing in the area of the project.

7.1.f Labor Standards. Records regarding compliance of all contractors performing construction work under this Agreement with the labor standards made applicable by 24 CFR 570.603.

7.1.g Determination of Conditions of Slum and Blight. The Subgrantee shall submit:

- (1) an attorney's opinion that an area designated as slum or blighted for the purpose of qualifying a CDBG activity meets the State or local definition of the same;
- (2) the boundary of the area so designated; and
- (3) a list of the conditions the CDBG-funded activity is intended to address. In the event that a single property is designated as blighted, the subgrantee must submit a certified building inspector's report on the conditions leading to that determination.

7.1.h Economic Development. Financial statements that indicate the historical and projected income of any company approved for CDBG assistance. Records will include three years of profit and loss statements, balance statements and projected income statements. The Subgrantee will also keep records indicating the amount and terms of assistance provided together with an explanation of how the assistance provided meets the "necessary and appropriate" requirements communicated in the June 2, 1987 Stokvis memorandum.

7.1.i Area Benefit. For activities providing an area benefit (24 CFR 570.208 (a)(1)), the Subgrantee will submit:

- (1) a map showing the location of the CDBG-funded activity and the service area boundary for the activity;
- (2) an explanation of how the service area boundary was determined, including justification for each individual line segment defining the service area boundary; and
- (3) the percentage of low and moderate-income persons in the service area and the data used to determine that percentage.

7.1.j Other. Such other records as may be required by the Grantee and/or HUD.

7.2 Retention of Records. Required records shall be retained for a period of five (5) years after termination of this Agreement, except as follows:

7.2.a records that are the subject of audit findings shall be retained for five (5) years after such findings have been resolved;

7.2.b records for nonexpendable property shall be retained for five (5) years after its final disposition. Nonexpendable property is defined in the US Office of Management and Budget Circular A-102 or A-110 as appropriate.

7.3 Access to Records.

7.3.a The Grantee shall have full access to all records relating to performance of this Agreement.

7.3.b The Subgrantee shall make all records available for audit or inspection at any time upon request of the U.S. Department of Housing and Urban Development, the Grantee or its authorized representative.

8. Obligations And Responsibilities. The Subgrantee agrees to assume and carry out the Grantee's obligations and responsibilities under the Cooperation Agreement entered into between the Grantee and the Subgrantee concerning the Washington County CDBG Program.

9. General Conditions. The following general conditions shall apply to the Subgrantee.

9.1. Independent Contractor. For the purpose of this Agreement, the Subgrantee shall be deemed an independent contractor, and not an employee of the Grantee. Any and all employees of the Subgrantee or other persons, while engaged in the performance of any work or services required by the Subgrantee under this Agreement, shall not be considered employees of the Grantee; and any and all claims that may or might arise on behalf of said employees or other persons as a consequence of any act or omission on the part of said employee or the Subgrantee shall in no way be the obligation or responsibility of the Grantee.

9.2 Hold Harmless. It is further agreed that the Subgrantee shall defend and hold the Grantee harmless from any claims, demands, actions, or causes of action arising out of any act or omission on the

part of the Subgrantee, its agents, servants, or employees in performance of, or with relation to, any of the work or services performed or furnished by the Subgrantee under the terms of the Agreement. It is further agreed that the Subgrantee shall notify the Grantee of any actual or potential claims against the Grantee that may arise as a consequence of any of the work or services performed or furnished by the Subgrantee under the terms of this Agreement.

- 9.3 Transfer. The Subgrantee shall not assign any interest in this Agreement and shall not transfer any interest in the same, whether by assignment or subcontract, without the prior written consent of the Grantee.
- 9.4 Amendments. Any alteration, variation, modification, or waiver of the provision of this Agreement shall be valid only after it has been reduced to writing and duly signed by both parties.
- 9.5 Waiver. The waiver of any of the rights and/or remedies arising under the terms of this Agreement on any one occasion by either party hereto shall not constitute a waiver of any rights and/or remedies in respect to any subsequent breach or default of the terms of this Agreement. The rights and remedies provided or referred to under the terms of the Agreement are cumulative and not mutually exclusive.
- 9.6 Liability. Notwithstanding any other provision of this Agreement to the contrary, the Subgrantee shall not be relieved of liability to the Grantee for damages sustained by the Grantee by virtue of any breach of this Agreement by the Subgrantee, and the Grantee may withhold any payments to the Subgrantee for the purpose of set-off until such time as the exact amount of damages due the Grantee from the Subgrantee is determined.
- 9.7 Entire Agreement. This Agreement, as well as Exhibits A through B, which are attached hereto and incorporated herein by reference, shall constitute the entire agreement between the parties and shall supersede all prior oral or written negotiations.
- 9.8 HUD Approval. It is expressly understood between the parties that this Agreement is contingent upon the approval of HUD and its authorization of grant monies to the Grantee for the purpose of this Agreement.
- 9.9 Compliance. In performing the provisions of this Contract, the Subgrantee agrees to comply with all Federal, State or local laws and all applicable rules, regulations or standards established by any agency of such governmental units, which are now or hereafter promulgated.

10. Annual Budget and Billing Procedures.

10.a. It is understood that the Funding Approval/ Agreement (HUD 7082) is based upon a program budget reflecting receipt of \$ _____ in CDBG Funds from HUD for Program Year _____, of which \$ _____ is allocated to the Subgrantee as the maximum amount available under this contract.

10.b. The Subgrantee shall submit requests for reimbursement promptly upon completion of each milestone or activity and upon receipt of proper documentation from any contractors used on the project. Requests for reimbursement shall be in a format acceptable to the Grantee and shall be submitted to CDBG c/o Washington County Community Services, 14949 62nd Street North, Stillwater, MN 55082.

11. General Compliance. The Subgrantee shall comply with the following: 11.1 Separability. In the event any provision of this Agreement shall be held invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties unless such invalidity or non-enforceability would cause the agreement to fail its purpose. One or more waivers by either party or any provision, term, condition or

covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.

11.2 Discrimination. The Subgrantee agrees to comply with all Federal, state and local laws and ordinances as they pertain to unlawful discrimination on account of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, or age.

11.3 Applicable Laws. The Subgrantee further agrees to comply with all Federal, state, and local laws or ordinances, and all applicable rules, regulations, and standards established by any agency of such governmental units, which are now or hereafter promulgated insofar as they relate to the Subgrantee performance of the provisions of this Agreement.

11.4 State Law. This Agreement shall be interpreted and construed according to the laws of the State of Minnesota.


12. Scope of Services. As required in 24 CFR 570.503, the Subgrantee will be responsible for the administration of the following services under this Agreement. No more than 10% of the contracted funds shall be used for non-construction, non-acquisition activities. If there is more than one activity, funds can be reallocated among the specified activities through consultation with the grantee and followed by a written request to the grantee. Reallocation of funds must be requested prior to completion of the activities.

12.1 Activity 1 - Gas Service Inspections

12.1.a Description.
Inspection of private natural gas utilities service for manufactured housing units and replacement of gas lines for approximately 160 units.

12.1.b Budget.
FY 2004 CDBG funding: \$48,200.00

12.1.c Schedule.
FY 2004 funds will be committed to project activities after October 1, 2004, and will be expended according to the completion dates listed below.

<u>Milestone</u>	<u>Completion date</u>
Prepare and Adopt City Ordinance	November-December 2004; 
Prepare and Adopt City Ordinance	November-December 2004;
Environmental Review	November-December 2004;
Scope of Work	January 2005
Request for Proposals	January 2005
Notification and Education of Residents	February 2005
Construction Period	March 15, 2005 - December 31, 2005

12.1.d Staffing.
~~Kimberly Schaffel, City of Lake Elmo~~ 

12.1.e Special Requirements.
Charles E. Dillerud

(i) Davis Bacon

12.2 Prior Year Activities. Prior fiscal year activities that are not yet completed continue to be covered by the Subgrantee Agreement executed for the CDBG program year in which they were originally funded.

13. Additional Requirements. The following additional requirements shall apply to the Subgrantee:

13.1 Program Income. The Subgrantee shall report all program income (as defined at 24 CFR 570.500(a)) generated under this Agreement for the purposes specified herein or generated through the project(s) funded under this Agreement. During the period this Agreement is in effect, program income shall be retained by the Subgrantee and used for eligible CDBG activities, as specified in 24 CFR 570.201 and 570.202, for the project(s) funded under the terms of this Agreement. Any program income on hand when the Agreement expires or received after the Agreement expires shall be paid to the Grantee as required by 24 CFR 570.503(b)(8).

13.2 Future Support. The Grantee makes no commitment to future support and assumes no obligation for future support of the activities contracted for herein, except as expressly set forth in this Agreement.

13.3 Funds Not Received. Should anticipated sources of revenue not become available to the Grantee for use in the CDBG Program, the Grantee shall immediately notify the Subgrantee in writing and the Grantee will be released from all contracted liability for that portion of the Agreement covered by funds not received by the Grantee.

13.4 Suspension and Termination. In accordance with 24 CFR 85.43, suspension or termination may occur if the Subgrantee materially fails to comply with any of the provisions hereof, and the award may be terminated for convenience in accordance with 24 CFR 85.44. Such termination shall occur thirty (30) days after receipt by the Subgrantee of written notice from the Grantee specifying the grounds therefore, unless, prior to such date, the Subgrantee has cured the alleged nonperformance of the provisions of this Agreement.

13.5 Reversion of Assets. Upon the expiration of this Agreement, the Subgrantee shall transfer to the Grantee any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds. Any real property under the Subgrantee's control that was acquired or improved in whole or in part with CDBG funds in excess of \$25,000 shall be:

13.5.a Used to meet one of the national objectives in 24 CFR 570.208 until five years after the Subgrantee no longer participates in the CDBG Entitlement Program; or

13.5.b Disposed of in a manner that results in the Grantee's being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for acquisition of, or improvement to, the property. (Reimbursement is not required after the period of time specified in paragraph 13.5.a.)

13.6 Payment Recoupment. The Subgrantee shall reimburse the Grantee upon demand, any amounts paid by the Grantee under this contract for which the U.S. Department of Housing and Urban Development requires repayment due to noncompliance with Federal requirements.

14. Certification For Contract, Grants, Loans And Cooperative Agreements. The Subgrantee certifies, to the best of its knowledge and belief, that:

14.1 No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in

connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

14.2 If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

14.3 It will require that the language of paragraphs 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all SubGrantees shall certify and disclose accordingly.

15. **Environmental Review.** The Grantee shall insure that all Subgrantee projects or activities comply with environmental review requirements. This includes the completion of a study and assessment of each Community Development Block Grant project in conformance with the National Environmental Policy Act of 1967 by the Grantee. The Subgrantee shall furnish the Grantee with a copy of any updated Environmental Review Study.

16. **Delegation of Authority.** The Community Services Department is delegated the authority to amend all provisions of this agreement by execution of the Community Services Director.

17. **Notice.** Written notice to be provided under this Agreement shall be provided as follows:

For the Grantee: James R. Schug, County Administrator
Washington County Administration
PO Box 6
Stillwater, MN 55082

For the Subgrantee: _____

IN WITNESS WHEREOF, the Grantee and the Subgrantee have executed this Subgrantee Agreement on the date indicated below.

For the Grantee

For the Subgrantee

R. H. Stafford
Chair, Washington County Board

Date

By: _____
Its: _____

Date

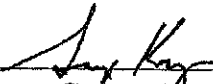
James R. Schug
County Administrator

Date

By: _____
Its: _____

Date

Approved as to form:



Assistant County Attorney

10/18/04

Date

Date

Daniel J. Papin
Director, Community Services

Date

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**Washington County CDBG Program
Key Contact Designation Form**

Project Manager:

The project manager is the person authorized by the Subgrantee as the primary contact person for this CDBG Agreement.

Name:

Title:

Organization/Community Name

Address

City, State, Zip Code

Telephone

Cellular Phone/Pager

Fax

E-mail

Other Key Contacts:

Name

Title

Organization/Community Name

Address

City, State, Zip Code

Telephone

Cellular Phone/Pager

Fax

E-mail

Name

Title

Organization/Community Name

Address

City, State, Zip Code

Telephone

Cellular Phone/Pager

Fax

E-mail

Lake Elmo City Council November 3, 2004	Agenda Section: Planning, Land Use & Zoning	<u>No.</u> 9B
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Agenda Item: Fence Ordinance Amendments – Continued Consideration


Background Information for November 3, 2004:

As directed, staff has researched questions raised by the Council regarding the practicality and resulting cost to homeowners of our existing fence standards. We have inquired as to the availability and cost of fencing that would meet the present LE standards from two perspectives: pre-built fence panels (generally 8 foot long sections) that can be purchased from Menards, Home Depot or any lumber yard; and, custom built fencing available from several firms that specialize in that product/service. Our findings are as follow:

1. Pre-built panels (whether wood or vinyl) generally come in 48 inch or 72 inch heights. We found only one 42 inch offering – a picket style in vinyl. When the panels are offered with a lattice portion on top, the fence is solid to 54 or 60 inches, and lattice for the upper 12 or 18 inches. Materials prices for the panelized fencing range from \$45/panel (\$5.62 per running foot) to \$80/panel (\$10 per running foot). This price range excludes installation – a number not easily garnered from the Home Depots and Menards. We should have that number by the November 3 meeting, however.
2. As one might expect, custom fencing can be had in whatever specification a homeowners desires – or a city mandates. The installed prices will vary based on the complexity of the design, but range between \$20 per running foot (for a “Plain Jane” 6 foot solid fence) to \$34 per running foot for the more complex design that would include a lattice treatment over the upper “X” feet of the fence.
3. The lattice fence treatment appears to vary somewhat as to degree of “openness” that results. Due to the specifications of the materials used, it appears that the pre-built lattice treatment results in about 57% of the latticed area of the fence open to air and light; and, the heavier-built custom lattice treatment is closer to 47% open to air and light.
4. It appears picket style pre-built panels could meet a 50% open standard – if averaged over the entire fence height, but only (very costly) wrought iron could meet a 75% standard - even with averaging.

It is clear from our investigations that a homeowner would not have an option of purchasing pre-built fence panels that would comply with our current fence standards – be it wood or vinyl. The “solid fence” height allowance would need to be 60 inches for even a lattice application (50% open) on the upper portion of the fence using the most common pre-built panels. Subject only to what we find to be the installation costs for the pre-built panels, it appears that our present standards result in mandating custom-built fencing at a significantly higher cost to the homeowner than the pre-built panel fencing. It amounts to the degree of cost the City would impose on homeowners to accomplish the aesthetic and other issues that are compromised by 6 foot solid fencing.

We have attached the draft fence ordinance amendments in the same format at presented at the last City Council meeting – with the 50% “open” and “averaging” provisions still in place. Given the foregoing, the Council may wish to increase the allowable height of solid fencing to 48 or 60 inches as well. A height of 60 inches will provide the homeowner maximum flexibility, while the 48 inches will provide a (limited) ability to use pre-built fence panels.

<p><u>Action items:</u> Motion to adopt Ordinance 97- ¹⁴², amending the City Code fence regulations.</p>	<p><u>Person responsible:</u>  City Planner</p>
<p><u>Attachments:</u> Ordinance 97 -</p>	<p><u>Time Allocated:</u></p>

CITY OF LAKE ELMO
ORDINANCE NO. 97-142

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AN ORDINANCE Amending SECTION 302 RELATING TO THE
REGULATION OF FENCES AND SCREENING

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Section 1. Amendment: Section 302 Fence Regulations is hereby amended, to wit:

Deleted: AND REPEALING SECTION 1360 AND THE FENCE MORATORIUM

302 – Regulation of Fences

Deleted: added to the Lake Elmo Municipal Code

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 50% of the surface area. The degree of fence area open to air and light may be calculated over the entire square foot area of the fence. (See Figure 302.1).

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Subd. 3 – Fences on Double Front Lots

Lots with fronting improved public streets at both the rear yard and the front yard may apply the standards of Section 302.01 Subd. 2 for fences paralleling the rear yard only upon the approval of a Conditional Use Permit. The terms of Section 306 Subd.4 shall apply to Conditional Use Permit applications.

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Subd. 4 -- 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.

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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 at least partially located within said OHW setback. Where the principal structure is at least partially located within the OHW setback, fences complying with the standards of Section 302.01, Subd 2 may be constructed within the side yard area of said principal structure, but not extending beyond the front and rear exterior walls of the principal structure. Decks, porches and landings of any type shall not be considered a part of the principal structure for the purpose of determining allowable fence.

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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.

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3. Temporary Fences.

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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.

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

Deleted: Section 3, Repealer
Section 1360, of the City Code is hereby repealed in its entirety.

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

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Lee Hunt, Mayor

ATTEST:

Martin J. Rafferty, City Administrator

Lake Elmo City Council November 3, 2004	Agenda Section: CITY ADMINISTRATOR'S REPORT	<u>No. 11. A</u>
<u>Agenda Item: Recycling Ordinance</u>		
<p><u>Background:</u></p> <p>On May 18th City Council passed Ordinance 97-128 amending section amending 800.02 of the City Code. This change authorized licensed haulers to modify their pick-up schedule for recycling only, from weekly to bi-weekly if single sort collection was provided. Although the ordinance was passed and published, subsequent concerns raised by the members of Environmental Commission indicating the ordinance had not been appropriately reviewed by the Commission, the Council asked that the ordinance not be implemented until it was reviewed by the Commission.</p> <p>Since that time, the Environmental Commission has conducted monthly meetings to study the subject matter with guest speakers, an industry tour and participation from the recycling industry providing related information pertinent to an appropriate recommendation.</p> <p>On Wednesday October 27th, at a regular monthly Commission meeting, the Commission voted to recommend to the City Council that Ordinance 97-128, that was passed in May of 2004, be implemented.</p>		
<p><u>Action Items:</u></p> <p>A motion accepting the Environmental Commission's recommendation.</p>	<p><u>Person responsible:</u></p> <p>Martin Rafferty</p>	
<p><u>Attachments:</u> Ordinance 97-128</p>		

CITY OF LAKE ELMO
WASHINGTON COUNTY, MINNESOTA

ORDINANCE NO. 97-128
AN ORDINANCE AMENDING THE LAKE ELMO MUNICIPAL CODE
SECTION 800-SOLID WASTE AND ENVIRONMENT

Section 1. Amendment: Section 800.02, Subd. 19, of the Lake Elmo Municipal Code is hereby amended to read as follows; to wit:

800.02 Frequency of Collections

Each licensed hauler shall make collections of garbage and refuse, and recyclables at least weekly, or more often as sanitary conditions warrant as determined by the Code Enforcement Officer. Single-Sort Residential Recycling shall be collected at least bi-weekly.

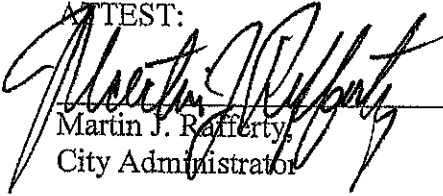
Section 2. Effective Date: This ordinance shall become effective upon its passage and publication according to law.

ADOPTED, by the Lake Elmo City Council on the 18th day of May, 2004.



Lee Hunt, Mayor

ATTEST:



Martin J. Raftery,
City Administrator



City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

**THE LAKE ELMO CITY COUNCIL
WILL HOLD A WORKSHOP
SATURDAY, NOVEMBER 20, 2004
9:00 A.M. – 11:00 A.M.
TO DISCUSS
THE OLD VILLAGE SYSTEMS STUDY**

LAKE ELMO CITY HALL
3800 LAVERNE AVENUE NORTH
LAKE ELMO, MN 55042



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