

FILE

City of Lake Elmo
3800 Laverne Avenue North

**7 PM REGULAR COUNCIL MEETING
AGENDA**

February 19, 2008

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: ___ Johnston, ___ DeLapp, ___ Johnson, ___ Park, ___ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the city council runs its meetings so everyone attending the meeting or watching the meeting understands how the city council does its public business.)
- F. GROUND RULE: (These are the rules of behavior that the city council adopted for doing its public business.)
- G. APPROVE MINUTES:
 - 1. Consider approval of January 23, 2008 minutes
 - 2. Consider approval of February 4, 2008 minutes
 - 3. Consider approval of February 12, 2008 minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the city council is treated the same way, meeting attendees wishing to address the city council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: Items are on the consent agenda because they are routine business and are not for discussion.
 - 4. Approve Resolution no. 2008-011 payments of claims.
 - 5. Approve renewal of planning contract for planning services with MFRA on an as needed basis.
 - 6. Authorize Discover Crossing Letter of Credit Reduction
 - 7. Approve Settlement Agreement

J. REGULAR AGENDA:

8. Consider an Interim Use Permit (IUP) application from Common Ground Church to permit the keeping of Horses, Resolution No. 2008-012
9. Consider approval of the Lake Elmo Comprehensive Park Plan
10. Review the Planning Commission 2008 Work Plan
11. Review and revise a draft comment letter to the Minnesota Pollution Control Agency (PCA) regarding clean up options for the Washington County Landfill
12. Consider a request from the Community Improvement Commission (CIC) to name the city's community celebration the "Lake Elmo Fall Festival" and to provide the Jaycee's funding for this event

K. REPORTS AND ANNOUNCEMENTS:

(These are verbal updates and do not have to be formally added to the agenda.)

- Mayor and Council Members
 - Open House for the Highway 36 and Lake Elmo Avenue Design Review Committee on Feb 26 from 4:30 PM to 7:30 PM at River Valley Christian Church, 5900 Lake Elmo Avenue
- Administrator

L. ADJOURN

January 23, 2008
Lake Elmo
City Council Meeting Minutes

Present: Mayor Johnston, Councilmembers Johnson, DeLapp, Park and Smith

Also present: Administrator Hoyt, Finance Director Bouthilet, Auditor Steve MacDonald

Mayor Johnston called the meeting to order at 6:30 PM.

The council approved the agenda with the addition of a request to reschedule the closed meeting set for January 24 to a later date.

Administrator Hoyt reported that the city council was meeting to get an update from the auditor on steps to take prior to the 2007 audit. She said that the current economy was negatively impacting revenue and it was important to get a clear understanding of the city's finances.

Auditor Steve MacDonald summarized the findings of the 2006 audit and recommended that the city proceed with a financial consultant to prepare for the 2007 audit.

Administrator Hoyt distributed a proposal for financial services with KDV to provide financial preparation for the audit and organizing funds and other items as needed at \$130 an hour.

Councilmember Johnson moved to approve the hiring of KDV for financial services. Councilmember DeLapp seconded the motion. The motion passed unanimously.

Councilmembers discussed changing the date for the January 24 closed meeting.

Mayor Johnston moved to reschedule the closed meeting at a time no sooner than 30 days and at a time that the entire city council could be present. Councilmember Park seconded the motion. The motion passed unanimously.

Mayor Johnston adjourned the meeting at 7:35 PM.

City of Lake Elmo
City Council Meeting Minutes

Monday, February 4, 2008

(The council meeting was rescheduled due to the precinct caucus
scheduled for Tuesday, February 5, 2008)

Mayor Johnston called the meeting to order at 7:00 p.m.

PRESENT: Mayor Johnston, Council Members DeLapp, Johnson, Park and Smith

Also Present: City Administrator Hoyt, Finance Director Bouthilet, City Attorney Filla,
Planning Director Klatt, Consulting Planner Gozola, Planner Matzek, City Engineer
Griffin and City Clerk Lumby

Approval of Agenda:

MOTION: Council Member DeLapp moved approval of the February 4, 2008 agenda as amended. Council Member Johnson seconded the motion. The motion passed unanimously.

ORDER OF BUSINESS:

GROUND RULES:

APPROVE MINUTES:

Consider approval of January 22, 2008 minutes
The minutes were approved by Council consensus.

PUBLIC COMMENTS/INQUIRIES:

CONSENT AGENDA: Items are on the consent agenda because they are routine business and are not for discussion.

MOTION: Council Member DeLapp moved to approve the consent agenda Items 2, 3, 4 as presented and remove Item 1: Claims for discussion. Council Member Park seconded the motion. The motion passed unanimously.

- Approve Resolution no. 2008-009 payment of claims in the amount of \$159,294.99
- Public Works Facility:
Approval of Change Order No. 14 thereby decreasing this contract in the amount of \$2,400.00 to the revised contract amount of \$2,377,377.69
Approval of final payment in the amount of \$9,498.89 to Gen-Con Construction from the 2004A city facilities bond issue
- Approve severance agreement with finance specialist dated 1-24-08

Approve 2008 Fee schedule, Ordinance no. 08-004

The Finance Director will remove the phrase "per statute" in connection with the building fees under the Uniform Building Code because the statute does not exist anymore.

MOTION: Council Member Johnson moved approval of Ordinance no. 08-004 adopting the 2008 Fee Schedule with the deletion of "per statute" associated with the building fees under the Uniform Building Code. Council Member Smith seconded the motion. The motion passed unanimously,

REGULAR AGENDA:

Lake Elmo Jaycees – Presentation of check from charitable gambling

Michelle Carlson, Lake Elmo Jaycees, presented the City Council with a check for \$8,500 from the Jaycees charitable gambling proceeds.

Appointments to existing vacancies on the Planning and Parks Commissions

Planning Commission

The City Council appointed Ben Roth, Greg Hall, Laurie McGinnis and Bob VanZandt to a full voting 3-year term and appointed Brenda Anderson and Todd Ptaceck as First and Second Alternates.

MOTION: Council Member Johnson moved to approve Mark Deziel's temporary leave of absence from the Planning Commission, January 28th through and including April 14th, 2008. Council Member Smith seconded the motion. The motion passed unanimously.

Park Commission

The City Council appointed Susan Dunn and Mike Zeno to a full-voting 3-year term and appointed Linda Wagner as an Alternate.

Receive an update on the options for promoting school safety for Lake Elmo Elementary School and approve funds for the installation on one Dynamic Speed Monitor Display sign on TH5 near Lake Elmo Avenue

Ted Shoenecker, Washington County Traffic Engineer gave a presentation regarding school safety for Lake Elmo Elementary School. The school safety working group along with the city staff recommended the approval of the Dynamic Speed Monitoring Display sign installation and related costs. 3M will provide the sign at no cost to the City of Lake Elmo. The City anticipates costs (\$3,500) for labor and parks and the extension of electric service to the sign (approx. \$2,000) and the monthly electrical costs (\$10 per month). The safety working group will meet with the working group over the coming months on an as needed basis.

MOTION: Council Member Johnson moved to approve funds not to exceed \$6,000 to install a Dynamic Speed Monitoring Display (DSMD) sign out of the capital equipment fund and to authorize paying for the electrical costs associated with operating the sign from the general fund. Council Member DeLapp seconded the motion. The motion passed unanimously.

Authorizing a request for information on city sanitary sewer as one possible option for future treatment for the Fields of St.Croix Homeowners Association (HOA)

The City Council accepted the request of Todd Place, President of Fields of St.Croix Homeowners Association, to discuss the option of sanitary sewer to provide wastewater treatment services to the Fields in the future. The Council directed the staff to contact all HOAs to offer the same opportunity.

MOTION: Council Member Park moved to authorize the staff including the engineer to meet with the Fields and to provide the Fields HOA with general engineering, cost and timing information for sanitary sewer service as one option that the Fields HOA is considering for the future. Mayor Johnston seconded the motion. The motion passed unanimously.

Consider ordinance 08-005 amending the existing shoreland district regulations to incorporate updated information and provide increased flexibility on front yard setbacks; Resolution no. 2008-010 summary of ordinance no. 08-005

At its January 22nd meeting, the Council asked Consulting Planner Ben Gozola to analyze how many non-buildable lots may become buildable because of the OHW change and to determine if the City has an option to not change the OHW in light of the recent DNR change. The DNR has reviewed the proposed ordinance and supports the recommended changes. Based on staff's findings, no new buildable lots on Lake Jane would be created by the revised OHWs. Staff and the Planning Commission recommended approval of the ordinance amending the existing shoreland district regulations to incorporate updated information and provide increased flexibility

MOTION: Council Member Johnson moved to adopt Ordinance no. 08-005, an ordinance to amend shoreland district regulations to eliminate shoreland specific right-of-way setback requirements and to update ordinary high water and floodplain levels for area lakes and Resolution no. 2008-08 adopting summary of ordinance no. 08-005. Council member DeLapp seconded the motion. The motion passed unanimously.

Select a range of development scenarios for the Village Alternative Urban Area wide review (AUAR) environmental review to go to the advisory panel and the public for input.

The City Council was asked to select a range of development scenarios to bring to the AUAR Advisory Panel (February 13 and February 21) for its review and comments. The Council decided to give itself time to gather as much information as possible from the

AUAR process and to be prepared to finalize the development scenario selection in early March after the public input.

MOTION: Mayor Johnston moved to authorize the following seven development scenarios including: 1) 600 new housing units, 2) 1,000 new housing units and 3) 1,600 new housing units all of which will be based upon the composite land use map in the accepted Village Masterplan and 4) 905 new housing units based upon the Comprehensive Plan Village future land use map; and that the hospital option be evaluated as an alternate to the three options based upon the composite land use map in the affected Village Masterplan at the Lakeview Hospital's expense of \$24,840. Council member Parks seconded the motion. The motion passed unanimously.

REPORTS AND ANNOUNCEMENTS:

Mayor Johnston announced:

- TH36 & CSAH17 Design Review Committee Open House, 4:30 p.m. to 7:30 p.m., Tuesday, February 26 at River Valley Christian Church. After the open house all meetings will be held in the Lake Elmo City Hall Annex on the first Monday, 7:00 p.m. until 8:00 p.m., of each month starting in March.
- Washington County Landfill Meeting, Thursday, February 21st, Oak-Land Jr. H.S. 6:30 p.m. Open House, 7:00 p.m. Meeting. The 30 day public comment period will begin on Thursday, February 14th.

The Mayor adjourned the meeting at 9:30 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution no. 2008-09 payment of claims

Resolution no. 2008-10 summary of Ordinance 08-005

Ordinance no. 08-004 adopting the 2008 Fee schedule

Ordinance no. 08-005 amending existing shoreland district regulations to incorporate updated information and provide increased flexibility on front yard setbacks

City of Lake Elmo
City Council Meeting Minutes

12 February 2008

Mayor Johnston called the meeting to order 8:40 PM.

Consider a request to engage a law firm to represent the city of Lake Elmo along with Woodbury and Oakdale at the capitol for gaining the PCA bonding bill request for \$15 million for remediation of the PFC contamination in the Washington County Landfill.

Administrator Hoyt reported that the city of Woodbury had contacted the cities of Lake Elmo and Oakdale to ask if the cities would be interested in contracting with a legal representative to lobby for funds for the Washington County Landfill remediation at the legislative session, which opened on February 12, 2008. She reported that Oakdale had agreed to join in sharing the costs with Woodbury.

Mayor Johnston reported that he had attended a legislative hearing on the PCA request for funding in the bonding bill and determined that the legislative committee did not seem receptive to the request. He suggested two alternatives to consider: 1) pay a proportion of the cost of fees – about 6% if population of the four cities (Woodbury, Oakdale, Cottage Grove and Lake Elmo); or 2) decline financially supporting the efforts of Woodbury and Oakdale, but to give city support in any way it could to encourage the funds for the Washington County Landfill Clean up. Mayor Johnston supported the latter proposal although he did not support the dig and line as the preferred option and preferred a permanent solution. He also noted the importance of making a statement immediately given the dynamics of funding discussions at the legislature.

Councilmember Johnson concurred with supporting the second option, supporting the bonding request without funds, because she was concerned that the contamination would continue and that other contaminants could result from delay. She reiterated that she preferred a permanent solution.

Councilmember DeLapp did not support the \$15 million funding request by PCA because it was designed to implement the dig and line option, which he considered a short term option and a very inadequate solution. He stated that supporting this bonding request in 2008 would inevitably result in implementing this inadequate solution. He only supported a permanent solution to the Washington County Landfill contamination which he believed would be the dig and truck option joined, by a plasma torch elsewhere to serve several landfills, if possible. Councilmember DeLapp said he is concerned about contamination but believes that the evidence suggests waiting five years is not harmful. He did not believe action was necessary at this meeting.

Citizen Jim Blackford, 9765 45th Street North, presented some historic information on the landfill and PCA plans in the past that were not followed. He described some alternative mechanisms to get a permanent solution to the landfill site. He also said that he understood the political realities of getting funding for any solution.

Mayor Johnston moved to approve the support of the \$15 million dollars in the Governor's bonding bill for the MPCA remediation of contamination at the Washington County Landfill. Councilmember Johnson seconded the motion. The motion passed with Mayor Johnston and Councilmember Johnson voting in favor of the motion and Councilmember DeLapp voting against.

Mayor Johnston adjourned the meeting at 9:20 PM.

City Council
Date: 02/19/08
CONSENT
Item: 4
Resolution 2008-009

ITEM: Approve resolution No. 2008-011 approving disbursements in the amount of \$265,272.47.

SUBMITTED BY: Tom Bouthilet, Finance Director

REVIEWED BY: Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the amount of \$265,272.47

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

**RESOLUTION NO. 2008-011
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 445, 446, DD1546 through DD1570, 32154 through 32175, were used for Staff Payroll dated February 14, 2008; 32176 through 32230, , in the total amount of \$265,272.47 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 19th day of February, 2008.

Dean Johnston
Mayor

ATTEST:

Susan Hoyt
City Administrator

Accounts Payable To Be Paid Proof List

User: Administrator

Printed: 02/15/2008 - 11:07 AM

Batch: 008-02-2008



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ABDO Abdo Eick & Meyers										
236883	01/31/2008	1,208.83	0.00	02/19/2008	W-2,1099, State & Federal Returns	-	-	No		0000
101-410-1530-43010	Accounting Services									
	236883 Total:	1,208.83								
	ABDO Total:	1,208.83								
ACEHARD Ace Hardware										
56218	01/23/2008	24.57	0.00	02/19/2008	Repairs-Well House 2	-	-	No		0000
601-494-9400-42270	Utility System Maintenance									
	56218 Total:	24.57								
56474	01/30/2008	11.17	0.00	02/19/2008	Annex Office Table Repairs	-	-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	56474 Total:	11.17								
	ACEHARD Total:	35.74								
ACS Animal Control Services										
28	02/02/2008	631.92	0.00	02/19/2008	Animal Control Services 1/21 - 2/3 2008	-	-	No		0000
101-420-2700-43150	Contract Services									
	28 Total:	631.92								
	ACS Total:	631.92								
AMLEGAL American Legal Publishing Corp										
62582	01/28/2008	313.10	0.00	02/19/2008	CD Copies of Municipal Code	-	-	No		0000
101-410-1320-44300	Miscellaneous									
	62582 Total:	313.10								
62646	01/31/2008	2,852.00	0.00	02/19/2008	Municipal Code Supplemental	-	-	No		0000
101-410-1320-44300	Miscellaneous									
	62646 Total:	2,852.00								
	AMLEGAL Total:	3,165.10								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
ANDERNIC Nicholas Anderson 2/4/2008	02/14/2008	55.00	0.00	02/19/2008	Cable Operator			No		0000
101-410-1910-43620	Cable Operation Expense	55.00								
	2/4/2008 Total:	55.00								
ANDERNIC Total:										
ARAM Aramark 629-6421713	02/04/2008	42.87	0.00	02/19/2008	Linen - City Hall			No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg	42.87								
	629-6421713 Total:	42.87								
ARAM Total:		42.87								
BATTYPL Batteries Plus Woodbury 32-141355	10/15/2007	254.00	0.00	02/19/2008	Battery - Ford Dump Truck			No		0000
101-430-3100-42210	Equipment Parts	254.00								
	32-141355 Total:	254.00								
BATTYPL Total:		254.00								
BERGMANN Richard and Eileen Bergmann 601-494-9400-46400	02/14/2008	547.00	0.00	02/19/2008	Crop Loss per agreement-Watermain Instal-			No		0000
	Water Mains	547.00								
	Total:	547.00								
BERGMANN Total:		547.00								
BONESTRO Bonestroo 152968	01/30/2008	1,514.50	0.00	02/19/2008	Village AUAR			No		0000
101-410-1910-43150	Contract Services	1,514.50								
	152968 Total:	1,514.50								
BONESTRO Total:		1,514.50								
BOYER Boyer Trucks 168017	02/11/2008	44.12	0.00	02/19/2008	Equipment Parts-Public Works			No		0000
101-430-3100-42210	Equipment Parts	44.12								
	168017 Total:	44.12								
168076	02/11/2008	30.11	0.00	02/19/2008	Equipment Parts-Public Works			No		0000
101-430-3100-42210	Equipment Parts	30.11								
	168076 Total:	30.11								
BOYER Total:		74.23								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
Branch	Branch Date									
	02/14/2008	331.75	0.00	02/19/2008	Oak Wilt Share Grant		-	No		0000
101-450-5200-44300	Miscellaneous	331.75								
	Total:	331.75								
	Branch Total:	331.75								
CAMPBELL Campbell Knutson P.A.										
2879-000G	01/31/2008	3,419.51	0.00	02/19/2008	Legal Services-HR		-	No		0000
101-410-1610-43040	Legal Services	3,419.51								
	2879-000G Total:	3,419.51								
	CAMPBELL Total:	3,419.51								
COPYMAG Copy Images, Inc.										
93158	02/07/2008	290.40	0.00	02/19/2008	Copy Machine Maint.		-	No		0000
101-420-2400-44330	Dues & Subscriptions	290.40								
	93158 Total:	290.40								
	COPYMAG Total:	290.40								
CPTELECO CP Telecom										
651-207-1000	02/01/2008	681.81	0.00	02/19/2008	Telephone Service-City Hall		-	No		0000
101-410-1940-43210	Telephone	681.81								
	651-207-1000 Total:	681.81								
651-207-1701	02/01/2008	437.64	0.00	02/19/2008	Telephone Service-Public Works		-	No		0000
101-430-3100-43210	Telephone	437.64								
	651-207-1701 Total:	437.64								
	CPTELECO Total:	1,119.45								
CSS Systems Specialists Communication										
81004	02/08/2008	3,195.00	0.00	02/19/2008	Telephone & Data Lines City Hall Annex		-	No		0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt	3,195.00								
	81004 Total:	3,195.00								
	CSS Total:	3,195.00								
FASTENAL Fastenal										
MNT1111907	01/16/2008	106.39	0.00	02/19/2008	Shop Supplies-Public Works		-	No		0000
101-430-3100-42150	Shop Materials	106.39								
	MNT1111907 Total:	106.39								
	FASTENAL Total:	106.39								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
GIERKE Gierke Cathy & Charles										
101-450-5200-44300	02/14/2008	420.00	0.00	02/19/2008	Oak Wlft Share Grant Program			No		0000
	Miscellaneous	420.00								
	Total:	420.00								
	GIERKE Total:	420.00								
HDSUPPLY HD Supply Waterworks, Ltd.										
6668524	01/31/2008	635.29	0.00	02/19/2008	Clamps for Watermain Breaks			No		0000
601-494-9400-44030	Repairs/Maint Imp Not Bldgs	635.29								
	6668524 Total:	635.29								
	HDSUPPLY Total:	635.29								
JCRAFT Truck Bodies & Equip. Intl inc										
43091	01/24/2008	4,247.22	0.00	02/19/2008	Plow Truck Repairs			No		0000
101-430-3100-45800	Other Equipment	4,247.22								
	43091 Total:	4,247.22								
	JCRAFT Total:	4,247.22								
KIMMESB Kimmes-Bauer, Inc.										
Cert 7(F)	01/14/2008	12,699.28	0.00	02/19/2008	12,699.28 Well Sealing Contract B Final			No		0000
202-494-9400-46400	Water Mains	12,699.28								
	Cert 7(F) Total:	12,699.28								
	KIMMESB Total:	12,699.28								
Kvaase Kvaase Joyce										
101-450-5200-44300	02/14/2008	177.05	0.00	02/19/2008	Oak Wlft Share Grant Program			No		0000
	Miscellaneous	177.05								
	Total:	177.05								
	Kvaase Total:	177.05								
LARSON LARSON DIESEL SERVICE										
80131005	01/31/2008	73.78	0.00	02/19/2008	Equipment Parts-Public Works			No		0000
101-430-3100-44040	Repairs/Maint Contractual Eqpt	73.78								
	80131005 Total:	73.78								
80131006	01/31/2008	489.90	0.00	02/19/2008	Equipment Parts-Public Works			No		0000
101-430-3100-44040	Repairs/Maint Contractual Eqpt	489.90								
	80131006 Total:	489.90								
	LARSON Total:	563.68								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
LEOIL Lake Elmo Oil, Inc.										
S01203	01/31/2008	911.02	0.00	02/19/2008	Fuel Fire Dept.		-	No		0000
101-420-2220-42120	Fuel, Oil and Fluids									
	S01203 Total:	911.02								
S01208	01/31/2008	150.38	0.00	02/19/2008	Fuel - Parks Dept.		-	No		0000
101-450-5200-42120	Fuel, Oil and Fluids									
	S01208 Total:	150.38								
	LEOIL Total:	1,061.40								
LMCIT Cities Insurance Trust League of M										
27186-87-88	02/07/2008	31,225.00	0.00	02/19/2008	Property & Liability Insurance-Admin		-	No		0000
101-410-1320-43610	Insurance									
27186-87-88	02/07/2008	16,044.00	0.00	02/19/2008	Property & Liability Insurance-Fire		-	No		0000
101-420-2220-43630	Vehicle Insurance									
27186-87-88	02/07/2008	569.00	0.00	02/19/2008	Property & Liability Insurance-Bldg Dept		-	No		0000
101-420-2400-43630	Insurance									
27186-87-88	02/07/2008	14,326.00	0.00	02/19/2008	Property & Liability Insurance-Public Wo		-	No		0000
101-430-3100-43630	Insurance									
27186-87-88	02/07/2008	3,938.00	0.00	02/19/2008	Property & Liability Insurance-Parks		-	No		0000
101-450-5200-43630	Insurance									
27186-87-88	02/07/2008	8,826.00	0.00	02/19/2008	Property & Liability Insurance-Water		-	No		0000
601-494-9400-43610	Insurance									
	27186-87-88 Total:	74,928.00								
	LMCIT Total:	74,928.00								
MALMQ Malmquist Greg										
Claim	02/14/2008	67.03	0.00	02/19/2008	Vehicle Parts		-	No		0000
101-420-2220-44040	Repairs/Maint Contractual Eqpt									
	Claim Total:	67.03								
	MALMQ Total:	67.03								
MARONEYS Maroney's Sanitation, Inc										
228436	02/07/2008	95.89	0.00	02/19/2008	Trash Removal - City Hall		-	No		0000
101-410-1940-43840	Refuse									
228436	02/07/2008	95.89	0.00	02/19/2008	Trash Removal - Fire		-	No		0000
101-420-2220-43840	Refuse									
228436	02/07/2008	125.37	0.00	02/19/2008	Trash Removal - Public Works		-	No		0000
101-430-3100-43840	Refuse									
228436	02/07/2008	183.96	0.00	02/19/2008	Trash Removal - Parks		-	No		0000
101-450-5200-43840	Refuse									
	228436 Total:	501.11								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close P OLine #
MARONEYS Total:		501.11								
MENARDSO Menards - Oakdale										
16252	01/16/2008	43.39	0.00	02/19/2008	Shop Supplies-Public Works		-	No		0000
101-430-3100-42150	Shop Materials									
16252	01/16/2008	731.65	0.00	02/19/2008	Tool Box - Public Works		-	No		0000
101-430-3100-42400	Small Tools & Minor Equipment									
	16252 Total:	775.04								
19505	02/01/2008	32.00	0.00	02/19/2008	Vehicle Supplies-Fire		-	No		0000
101-420-2220-42400	Small Tools & Equipment									
19505	02/01/2008	36.13	0.00	02/19/2008	Bldg Supplies-Fire		-	No		0000
101-420-2220-44010	Repairs/Maint Contractual Bldg									
	19505 Total:	68.13								
	MENARDSO Total:	843.17								
MENARDST Menards - Stillwater										
1112	01/23/2008	19.99	0.00	02/19/2008	Light-Water Dept.		-	No		0000
601-494-9400-42400	Small Tools & Minor Equipment									
1112	01/23/2008	9.06	0.00	02/19/2008	Shop Supplies-Public Works		-	No		0000
101-430-3100-42150	Shop Materials									
	1112 Total:	29.05								
3808	02/08/2008	76.98	0.00	02/19/2008	Bldg Supplies-City Hall Annex		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
	3808 Total:	76.98								
3809	02/08/2008	52.29	0.00	02/19/2008	Bldg Repair Supplies-Public Works		-	No		0000
101-430-3100-42230	Building Repair Supplies									
	3809 Total:	52.29								
	MENARDST Total:	158.32								
METROFIR Metro Fire										
30405	02/01/2008	1,317.88	0.00	02/19/2008	Fire Hoses		-	No		0000
410-480-8000-45800	Other Equipment									
	30405 Total:	1,317.88								
	METROFIR Total:	1,317.88								
METSAC Metropolitan Council										
0000865892	02/04/2008	1,081.72	0.00	02/19/2008	Monthly Wastewater Charge		-	No		0000
602-495-9450-43820	Sewer Utility - Met Council									
	0000865892 Total:	1,081.72								
	METSAC Total:	1,081.72								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
MICROSEL Microsel, Inc.										
	02/15/2008	400.00	0.00	02/19/2008	Software & External CD Drive		-	No		0000
101-420-2220-42000	Office Supplies									
	Total:	400.00								
	MICROSEL Total:	400.00								
MILLEREX Miller Excavating, Inc.										
13214	01/31/2008	2,202.98	0.00	02/19/2008	Water Main Break-Contract Services		-	No		0000
601-494-9400-44030	Repairs\Maint Imp Not Bldgs									
	13214 Total:	2,202.98								
	MILLEREX Total:	2,202.98								
NORTHSEC Northland Securities, Inc.										
1534	01/24/2008	1,500.00	0.00	02/19/2008	Continuing Disclosure Report		-	No		0000
410-480-8000-46200	Fiscal Agent Fees-New Faciliti									
	1534 Total:	1,500.00								
	NORTHSEC Total:	1,500.00								
OAKD-HIS Oakdale Lake Elmo Historical Socie										
Donation	02/14/2008	1,100.00	0.00	02/19/2008	Oakdale/Lake Elmo Historical Society		-	No		0000
101-410-1110-44300	Miscellaneous									
	Donation Total:	1,100.00								
	OAKD-HIS Total:	1,100.00								
OAKDALE City of Oakdale										
10000460-01	01/31/2008	3,269.45	0.00	02/19/2008	Water -South Pit		-	No		0000
601-494-9400-43820	Water Utility									
	10000460-01 Total:	3,269.45								
	OAKDALE Total:	3,269.45								
OFFICEMX OfficeMax										
252128	01/30/2008	177.62	0.00	02/19/2008	Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
	252128 Total:	177.62								
684772	01/25/2008	38.92	0.00	02/19/2008	Office Supplies		-	No		0000
101-410-1320-42000	Office Supplies									
684772	01/25/2008	22.37	0.00	02/19/2008	Office Supplies - Finance Dept.		-	No		0000
101-410-1520-44300	Miscellaneous									
	684772 Total:	61.29								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
OFFICEMX Total:		238.91								
Pott Fran Pott	02/15/2008	80.18	0.00	02/19/2008	Repayment of estimated meter reads		-	No		0000
601-000-0000-37100	Water Sales									
	Total:	80.18								
	Pott Total:	80.18								
PRESS Press Steven		57.28	0.00	02/19/2008	Cable Operator-Planning		-	No		0000
2/11/08	02/14/2008									
101-410-1910-43620	Cable Operation Expense									
	2/11/08 Total:	57.28								
2/13/08	02/14/2008									
101-410-1320-43620	Cable Operation Expense									
	2/13/08 Total:	57.28								
	PRESS Total:	114.56								
Raney Raney Ed		238.56	0.00	02/19/2008	Oak Wlfr Share Grant		-	No		0000
101-450-5200-44300	Miscellaneous									
	Total:	238.56								
	Raney Total:	238.56								
RICHTMAN Karen Richtman		7,500.00	0.00	02/19/2008	Contract Services-Recycle-Grant Reimburs-		-	No		0000
101-430-3200-44300	Miscellaneous									
	Total:	7,500.00								
	RICHTMAN Total:	7,500.00								
RIVRCOOP River Country Cooperative		35.00	0.00	02/19/2008	Fuel Fire Dept.		-	No		0000
141352	01/31/2008									
101-420-2220-42120	Fuel, Oil and Fluids									
141352	01/31/2008									
101-420-2220-44040	Repairs/Maint Contractual Eqpt									
	141352 Total:	68.00								
155127-01	02/01/2008									
101-420-2400-44040	Repairs/Maint Contractual Eqpt									
155127-01	02/01/2008									
101-420-2400-42120	Fuel, Oil and Fluids									
	155127-01 Total:	35.38								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
	RIVRCCOOP Total:	103.38								
RUD Prince-Rud Diane										
2/4-6-11-13	02/14/2008	240.00	0.00	02/19/2008	Cleaning - City Hall		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
2/4-6-11-13	02/14/2008	240.00	0.00	02/19/2008	Cleaning - Fire Station 1		-	No		0000
101-420-2220-44010	Repairs/Maint Contractual Bldg									
2/4-6-11-13	Total:	480.00								
	RUD Total:	480.00								
SAMSClub Sam's Club										
715090362995508	02/14/2008	89.92	0.00	02/19/2008	Supplies-City Hall		-	No		0000
101-410-1940-42230	Building Repair Supplies									
715090362995508	02/14/2008	98.35	0.00	02/19/2008	Supplies-Fire		-	No		0000
101-420-2220-42230	Building Repair Supplies									
715090362995508	Total:	188.27								
	SAMSClub Total:	188.27								
SATELLIT Satellite Shelters, Inc.										
R108556	01/31/2008	319.50	0.00	02/19/2008	Office Space Rental		-	No		0000
101-420-2400-44120	Rentals - Building									
R108556	Total:	319.50								
	SATELLIT Total:	319.50								
STILLGAZ Stillwater Gazette										
02/16/2008		109.00	0.00	02/19/2008	Annual Subscription-Newspaper		-	No		0000
101-410-1320-44330	Dues & Subscriptions									
Total:		109.00								
	STILLGAZ Total:	109.00								
SURPLUS Surplus Services										
1-22-2008	01/22/2008	11.00	0.00	02/19/2008	Furniture for City Hall Annex		-	No		0000
101-410-1940-44010	Repairs/Maint Contractual Bldg									
1-22-2008	Total:	11.00								
	SURPLUS Total:	11.00								
TASCH T.A. Schifsky & Sons										
43739	01/21/2008	685.33	0.00	02/19/2008	Street Maintenance-Asphalt		-	No		0000
101-430-3100-42240	Street Maintenance Materials									
43739	Total:	685.33								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
TASCH Total:		685.33								
TDS TDS METROCOM - MN										
651779882	02/13/2008	144.69	0.00	02/19/2008	Phone Service-Fire		-	No		0000
101-420-2220-43210	Telephone									
651779882	02/13/2008	51.35	0.00	02/19/2008	Phone Service-Public Works		-	No		0000
101-430-3100-43210	Telephone									
651779882	02/13/2008	102.42	0.00	02/19/2008	Phone Service-Lift Station		-	No		0000
602-495-9450-43210	Telephone									
651779882 Total:		298.46								
TDS Total:		298.46								
TKDA TKDA, Inc.										
200800440	02/07/2008	2,168.39	0.00	02/19/2008	Water System Interconnect		-	No		0000
601-494-9400-43030	Engineering Services									
200800440 Total:		2,168.39								
200800441	02/07/2008	698.32	0.00	02/19/2008	Water Tower		-	No		0000
601-494-9400-43030	Engineering Services									
200800441 Total:		698.32								
200800442	02/07/2008	2,964.03	0.00	02/19/2008	New Publice Works-Claim		-	No		0000
410-480-8000-43030	Engineering Services									
200800442 Total:		2,964.03								
200800443	02/07/2008	312.62	0.00	02/19/2008	Gis Mapping-Sanitary Sewer		-	No		0000
602-495-9450-43030	Engineering Services									
200800443	02/07/2008	312.62	0.00	02/19/2008	Gis Mapping-Surface Water		-	No		0000
603-496-9500-43030	Engineering Services									
200800443 Total:		625.24								
200800444	02/07/2008	346.29	0.00	02/19/2008	Tablyn/Heights water project		-	No		0000
601-494-9400-43030	Engineering Services									
200800444 Total:		346.29								
200800445	02/07/2008	185.14	0.00	02/19/2008	Manning/Hwy 36 Project		-	No		0000
409-480-8000-43030	Engineering Services									
200800445 Total:		185.14								
200800446	02/07/2008	81.79	0.00	02/19/2008	Comp Park Plan Update		-	No		0000
404-480-8000-43030	Engineering Services									
200800446 Total:		81.79								
200800447	02/07/2008	92.57	0.00	02/19/2008	Pavement Management Plan		-	No		0000
409-480-8000-43030	Engineering Services									
200800447 Total:		92.57								
200800448	02/07/2008	727.54	0.00	02/19/2008	Grading Permit Review & Misc.		-	No		0000
101-410-1930-43030	Engineering Services									
200800448	02/07/2008	44.66	0.00	02/19/2008	Water Systems		-	No		0000
601-494-9400-43030	Engineering Services									

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
200800448	02/07/2008	133.98	0.00	02/19/2008	Sanitary Sewer Systems		-	No		0000
602-495-9450-43030	Engineering Services									
200800448	02/07/2008	312.62	0.00	02/19/2008	Public Works		-	No		0000
410-480-8000-43030	Engineering Services									
200800448	02/07/2008	309.57	0.00	02/19/2008	Transportation		-	No		0000
409-480-8000-43030	Engineering Services									
200800448	02/07/2008	1,528.37	0.00	02/19/2008	Development - Whistling Valley III		-	No		0000
200800449	02/07/2008	976.97	0.00	02/19/2008	Development - Eagle Point 7		-	No		0000
803-490-9070-43030	Engineering Services									
200800450	02/07/2008	976.97	0.00	02/19/2008	Development - Tapestry-Charlotte Grove		-	No		0000
803-490-9070-43030	Engineering Services									
200800451	02/07/2008	307.12	0.00	02/19/2008	Development - Lake Elmo Farms		-	No		0000
803-490-9070-43030	Engineering Services									
200800452	02/07/2008	2,217.33	0.00	02/19/2008	Development - Discovery Crossing		-	No		0000
803-490-9070-43030	Engineering Services									
200800453	02/07/2008	1,425.71	0.00	02/19/2008	Development - Sanctuary		-	No		0000
803-490-9070-43030	Engineering Services									
200800454	02/07/2008	4,999.73	0.00	02/19/2008	Development - Hidden Meadows		-	No		0000
803-490-9070-43030	Engineering Services									
200800455	02/07/2008	2,017.81	0.00	02/19/2008	Development - Park Meadows		-	No		0000
803-490-9070-43030	Engineering Services									
200800456	02/07/2008	92.57	0.00	02/19/2008	I-94 - 30th Street Sanitary Sewer		-	No		0000
803-490-9070-43030	Engineering Services									
200800457	02/07/2008	14,839.32	0.00	02/19/2008	Village Planning		-	No		0000
602-495-9450-43030	Engineering Services									
200800458	02/07/2008	524.28	0.00	02/19/2008	Meetings, Ordinances, Policies, Mapping		-	No		0000
101-410-1910-43030	Engineering Services									
200800459	02/07/2008	6,552.44	0.00	02/19/2008	Development Standards		-	No		0000
101-410-1910-43030	Engineering Services									
200800459	02/07/2008	3,374.54	0.00	02/19/2008	Bldg Permit Review/Support		-	No		0000
803-490-9070-43030	Engineering Services									
200800460	02/07/2008	9,926.98	0.00	02/19/2008			-	No		0000
803-490-9070-43030	Engineering Services									
200800448	Total:	133.98	0.00							
200800448	Total:	312.62	0.00							
200800448	Total:	309.57	0.00							
200800448	Total:	1,528.37	0.00							
200800449	Total:	976.97	0.00							
200800450	Total:	307.12	0.00							
200800451	Total:	2,217.33	0.00							
200800452	Total:	1,425.71	0.00							
200800453	Total:	4,999.73	0.00							
200800454	Total:	1,661.75	0.00							
200800455	Total:	1,661.75	0.00							
200800456	Total:	2,017.81	0.00							
200800457	Total:	2,017.81	0.00							
200800458	Total:	92.57	0.00							
200800459	Total:	14,839.32	0.00							
200800459	Total:	14,839.32	0.00							
200800459	Total:	524.28	0.00							
200800459	Total:	6,552.44	0.00							
200800459	Total:	3,374.54	0.00							
200800459	Total:	9,926.98	0.00							
200800459	Total:	3,238.83	0.00							

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
200800460	02/07/2008	509.12	0.00	02/19/2008	Planning Support		-	No		0000
101-410-1930-43030	Engineering Services									
200800460	02/07/2008	2,696.97	0.00	02/19/2008	Transportation Planning		-	No		0000
409-480-8000-43030	Engineering Services									
200800460	02/07/2008	1,935.72	0.00	02/19/2008	Municipal State Aid System		-	No		0000
402-480-8000-43030	Engineering Services									
200800460	02/07/2008	3,314.95	0.00	02/19/2008	Surface Water Management		-	No		0000
603-496-9500-43030	Engineering Services									
200800460	02/07/2008	1,160.81	0.00	02/19/2008	Water Supply System		-	No		0000
601-494-9400-43030	Engineering Services									
200800460	02/07/2008	2,203.61	0.00	02/19/2008	Sanitary System		-	No		0000
602-495-9450-43030	Engineering Services									
	200800460 Total:	15,060.01								
	TKDA Total:	62,739.72								
TWINCIT Twin City Water Clinic, Inc.										
4479	01/24/2008	65.00	0.00	02/19/2008	Bacteria Analysis		-	No		0000
601-494-9400-43030	Engineering Services									
	4479 Total:	65.00								
	TWINCIT Total:	65.00								
USPOST United States Postal Service										
2086	02/14/2008	500.00	0.00	02/19/2008	Newsletter Mailing		-	No		0000
101-410-1320-43090	Newsletter/Website									
	Total:	500.00								
	USPOST Total:	500.00								
VATA Vata Communications, Inc.										
2086	01/08/2008	92.21	0.00	02/19/2008	Phone Repair Parts - City Hall		-	No		0000
101-410-1940-44040	Repairs/Maint Contractual Eqpt									
	2086 Total:	92.21								
	VATA Total:	92.21								
Verizon Verizon Wireless										
1814538559	01/28/2008	311.23	0.00	02/19/2008	Cell Phone Service		-	No		0000
101-420-2400-44330	Dues & Subscriptions									
	1814538559 Total:	311.23								
	Verizon Total:	311.23								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
VISA0460 VISA										
	02/14/2008	197.37	0.00	02/19/2008	Flags		-			No 0000
101-450-5200-44300	Miscellaneous									
	Total:	197.37								
	VISA0460 Total:	197.37								
XCEL Xcel Energy										
51-4504807-7	01/29/2008	630.52	0.00	02/19/2008	Legion Park		-			No 0000
101-450-5200-43810	Electric Utility									
51-4504807-7	01/29/2008	72.38	0.00	02/19/2008	Hudson Lift Station		-			No 0000
602-495-9450-43810	Electric Utility									
51-4504807-7	01/29/2008	29.37	0.00	02/19/2008	Innwood Traffic Lights		-			No 0000
101-430-3160-43810	Street Lighting									
	51-4504807-7 Total:	732.27								
51-4580376-5	01/29/2008	1,238.00	0.00	02/19/2008	Electric & Gas - City Hall		-			No 0000
101-410-1940-43810	Electric Utility									
	51-4580376-5 Total:	1,238.00								
51-4733556-8	01/29/2008	8.52	0.00	02/19/2008	Tennis Courts		-			No 0000
101-450-5200-43810	Electric Utility									
	51-4733556-8 Total:	8.52								
51-5044219-0	01/29/2008	442.03	0.00	02/19/2008	Electric & Gas - Parks		-			No 0000
101-450-5200-43810	Electric Utility									
	51-5044219-0 Total:	442.03								
51-5275289-3	01/29/2008	8.52	0.00	02/19/2008	Pebble Park		-			No 0000
101-450-5200-43830	Gas Utility									
	51-5275289-3 Total:	8.52								
51-5356323-8	01/29/2008	1,650.11	0.00	02/19/2008	Electric & Gas Wells 1 & @		-			No 0000
601-494-9400-43810	Electric Utility									
	51-5356323-8 Total:	1,650.11								
51-5522332-2	01/29/2008	41.78	0.00	02/19/2008	Traffic Lights-Innwood		-			No 0000
101-430-3160-43810	Street Lighting									
	51-5522332-2 Total:	41.78								
51-5747685-4	01/29/2008	272.33	0.00	02/19/2008	Electric & Gas - LERAC		-			No 0000
101-450-5200-43810	Electric Utility									
	51-5747685-4 Total:	272.33								
51-5916043-7	01/29/2008	17.51	0.00	02/19/2008	34th Street Lift Station		-			No 0000
602-495-9450-43810	Electric Utility									
	51-5916043-7 Total:	17.51								
51-6429583-8	01/29/2008	15.91	0.00	02/19/2008	Legion Lift Station		-			No 0000
602-495-9450-43810	Electric Utility									
	51-6429583-8 Total:	15.91								
51-6433976-2	01/29/2008	306.38	0.00	02/19/2008	Fire Station 1		-			No 0000
101-420-2220-43810	Electric Utility									
	51-6433976-2 Total:	306.38								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
51-6625457-1	01/29/2008	322.67	0.00	02/19/2008	Electric & Gas - Parks		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6625457-1 Total:	322.67								
51-6736544-2	01/29/2008	1,795.48	0.00	02/19/2008	City-Wide Street Lights		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6736544-2 Total:	1,795.48								
51-6928283-3	01/29/2008	28.00	0.00	02/19/2008	Traffic Lights Manning & Stillwater Blvd		-	No		0000
101-430-3160-43810	Street Lighting									
	51-6928283-3 Total:	28.00								
51-6956201-4	01/29/2008	122.38	0.00	02/19/2008	VFW Ballfield Lights		-	No		0000
101-450-5200-43810	Electric Utility									
51-6956201-4	01/29/2008	131.68	0.00	02/19/2008	VFW Ballfield Lights		-	No		0000
101-450-5200-43810	Electric Utility									
	51-6956201-4 Total:	254.06								
51-7538112-1	01/29/2008	3,562.23	0.00	02/19/2008	Electric & Gas - Public Works		-	No		0000
101-430-3100-43810	Electric Utility									
	51-7538112-1 Total:	3,562.23								
51-8126093-5	01/29/2008	209.90	0.00	02/19/2008	Water Tower 2		-	No		0000
601-494-9400-43810	Electric Utility									
	51-8126093-5 Total:	209.90								
514576456-3	01/29/2008	1,304.72	0.00	02/19/2008	Electric & Gas - Fire Station 2		-	No		0000
101-420-2220-43810	Electric Utility									
	514576456-3 Total:	1,304.72								
	XCEL Total:	12,210.42								
	Report Total:	209,648.37								

Accounts Payable To Be Paid Proof List

User: Administrator

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Batch: 007-02-2008



Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close PO Line #
ICMA ICMA Retirement Trust 457										
	02/12/2008	510.00	0.00	02/14/2008	PR Batch 1 2 2008 ICMA Contribution	-	-	No		0000
101-000-0000-21705	Other Retirement - ICMA									
	Total:	510.00								
	ICMA Total:	510.00								
IRS Internal Revenue Service										
	02/12/2008	3,709.84	0.00	02/14/2008	PR Batch 1 2 2008 Federal Income Tax	-	-	No		0000
101-000-0000-21701	Federal Withholding									
	02/12/2008	2,425.25	0.00	02/14/2008	PR Batch 1 2 2008 FICA Employee Share	-	-	No		0000
101-000-0000-21703	FICA Tax Withholding									
	02/12/2008	2,425.25	0.00	02/14/2008	PR Batch 1 2 2008 FICA Employer Share	-	-	No		0000
101-000-0000-21703	FICA Tax Withholding									
	02/12/2008	567.21	0.00	02/14/2008	PR Batch 1 2 2008 Medicare Employee Share	-	-	No		0000
101-000-0000-21703	FICA Tax Withholding									
	02/12/2008	567.21	0.00	02/14/2008	PR Batch 1 2 2008 Medicare Employer Share	-	-	No		0000
101-000-0000-21703	FICA Tax Withholding									
	Total:	9,694.76								
	IRS Total:	9,694.76								
MNCCHILD MN Child Support Payment Ctr										
	02/12/2008	540.27	0.00	02/14/2008	PR Batch 1 2 2008 Child Support	-	-	No		0000
101-000-0000-21709	Child Support									
	Total:	540.27								
	MNCCHILD Total:	540.27								
PERA PERA										
	02/12/2008	2,031.82	0.00	02/14/2008	PR Batch 1 2 2008 PERA Employee Share	-	-	No		0000
101-000-0000-21704	PERA Withholding									
	02/12/2008	2,280.40	0.00	02/14/2008	PR Batch 1 2 2008 PERA Employer Share	-	-	No		0000
101-000-0000-21704	PERA Withholding									
	Total:	4,312.22								

Invoice #	Inv Date	Amount	Quantity	Pmt Date	Description	Reference	Task	Type	PO #	Close POLine #
	PERA Total:	4,312.22								
	REVENUE MN Department of Revenue 02/12/2008									
	101-000-0000-21702 State Withholding Total:	1,369.74	0.00	02/14/2008	PR Batch 1 2 2008 State Income Tax		-	No		0000
	REVENUE Total:	1,369.74								
	SW/WC SW/WC Service Cooperatives C1210-10 02/12/2008									
	101-000-0000-21706 Medical Insurance C1210-10 Total:	12,189.50	0.00	02/14/2008	Employee Health Insurance-March 2008		-	No		0000
	SW/WC Total:	12,189.50								
	WISC.DOR Revenue Wisconsin Department of 02/12/2008									
	101-000-0000-21702 State Withholding Total:	110.00	0.00	02/14/2008	PR Batch 1 2 2008 WISCONSIN STATE TAX			No		0000
	WISC.DOR Total:	110.00								
	Report Total:	28,726.49								

City Council
Date: 2/19/08
CONSENT
Item: 5.
MOTION

ITEM: Renewal of Consulting Planning Contract

REQUESTED BY: Planning Department

SUBMITTED BY: Kyle Klatt, Director of Planning *Kl*

REVIEWED BY: Susan Hoyt, City Administrator

SUMMARY AND ACTION REQUESTED: The city council is being asked to approve a contract for Ben Gozola's planning services with McCombs Frank Ross (MFR) Associates (formerly Schoell Madson). The purpose of the contract is to provide planning support on an as needed basis at an hourly rate. It is an on going contract that can be terminated by either party with thirty days. The contract does not commit the city to using the services of the firm. Mr. Gozola acted as the city's senior and lead planner over the past year and provided excellent service. At this time, it is anticipated that planning assistance will be needed in two areas:

- 1) Review and revisions to the city's sign code – a project on the planning commission workplan. A project plan and process are being developed for this task;
- 2) To pick up work demands that may surface during the absence of the planning staff member, Kelli Matzek.

Mr. Gozola's hourly rate is \$90.00. The cost of his work will come out of the consulting planning budget; it will also be covered through developer fees when specific planning applications are reviewed and from reduced planning salaries during a portion of the leave of the planner.

MOTION FOR CONSIDERATION: Motion to approve contract with MFRA.

ATTACHMENTS (1):

1. Agreement Between MFRA and the City of Lake Elmo

**AGREEMENT BETWEEN McCOMBS FRANK ROOS ASSOCIATES AND
CITY OF LAKE ELMO FOR PROFESSIONAL SERVICES**

THIS AGREEMENT, made and entered into as of the ____ day of _____, 2008, by and between the CITY OF LAKE ELMO, 3800 LAVERNE AVENUE, LAKE ELMO, MN 55042, a municipal corporation of the County of Washington, State of Minnesota, (hereinafter called the "City") and McCOMBS FRANK ROOS ASSOCIATES, a Minnesota corporation in the practice of planning, engineering, and surveying at 14800 28th Avenue North, Suite 140, Plymouth, Minnesota 55447, (hereinafter called the "Planner"), WITNESSETH, that:

WHEREAS, the City has chosen the Planner to perform services as defined below for projects as they arise from time to time, this Agreement shall govern such employment on the terms and conditions herein set forth.

Hereafter are descriptions of the various services to be performed by the Planner when requested by the City, followed by the methods of compensation for those services.

I. Routine Work

Routine work shall consist of any tasks, duties, and assignments performed for the City as directed by the Lake Elmo City Administrator or the Lake Elmo Planning Director. Time spent at City Council or Planning Commission meetings will also be considered routine work. For routine work, McCombs Frank Roos Associates agrees to provide the City with a discounted rate from the company's standard fee schedule. Time spent on routine work will be invoiced monthly on an hourly basis per the agreed upon rate schedule for the Lake Elmo Planning Team which is as follows:

<u>Team Member</u>	<u>Hourly Rate</u>
Principal Planner	110.00
Senior Planner	90.00
Senior Designer	90.00
Landscape Architect	80.00
Design Associate	75.00
Planner Technician	65.00
Wetland Specialist	75.00
Principal Engineer	140.00

II. Reimbursable Expenses

Reimbursable expenses include mileage for travel and any items (i.e. copies, postage for mailings, messenger service, etc) requested by the City. Such expenses will be billed to the City "at cost" plus 10 percent to cover administration costs.

III. Monthly Billing

Billings will be submitted monthly. The City agrees to pay all bills within 30 days of receiving same. In the event that the City defaults in payment, the City agrees to pay interest on delinquent bills at the maximum rate allowed by law. The City also agrees to reimburse McCombs Frank Roos Associates for all costs involved with collection of delinquent amounts including, but not limited to, attorney's fees.

The City hereby acknowledges that sufficient funds are currently available and assigned to pay for the cost of services contemplated by this agreement.

IV. Term

The term of this agreement shall commence as of _____, 2008. This agreement may be terminated by either party. Such termination shall be effective after giving thirty (30) days written notice. The City agrees to pay McCombs Frank Roos Associates for all services provided up to the effective date of termination.

V. Execution

In witness whereof, the City has caused this agreement to be executed by its Mayor and Administrator, and the Planner has caused the same to be executed by its duly authorized officers.

CITY OF LAKE ELMO

McCOMBS FRANK ROOS ASSOCIATES

By: _____
Mayor

By: _____

By: _____
City Administrator

By: _____

Date: _____

Date: _____

City Council
Date: February 19, 2008
CONSENT
Item: 6.
Motion

ITEM: Consider a financial security reduction for the Discover Crossing development.

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Susan Hoyt, City Administrator
Tom Bouthilet, Finance Director
Ryan Stempski, Assistant City Engineer

SUMMARY AND ACTION REQUESTED: The city council is being asked to approve a reduction to the financial security for improvements on the Discover Crossing development. Currently, Letter of Credit No. 460, in the amount of \$153,750.00, issued by Lake Elmo Bank is securing the improvements for the development. Staff is recommending a reduction in the amount of \$91,250.00, to a required security amount of \$62,500.00. This reduced amount would secure the remaining items to be completed, which are paving of the final lift of bituminous and minor utility punch list items.

ADDITIONAL INFORMATION:

The following table itemizes the original, current, and proposed security amounts:

Item	Original Amount	Current Amount	Proposed Amount
Site Grading/ Turf Establishment	\$0.00	\$0.00	\$0.00
Storm Sewer	\$310,000.00	\$10,000.00	\$8,000.00
Sanitary Sewer	\$235,000.00	\$5,000.00	\$1,000.00
Drainfield	\$250,000.00	\$20,000.00	\$0.00
Watermain	\$318,000.00	\$5,000.00	\$1,000.00
Streets	\$194,000.00	\$32,000.00	\$40,000.00
Street Signs	\$1,000.00	\$1,000.00	\$0.00
Landscaping	\$308,000.00	\$50,000.00	\$0.00
Subtotal	\$1,616,000.00	\$123,000.00	\$50,000.00
125% Security	\$2,020,000.00	\$153,750.00	\$62,500.00

RECOMMENDATION

Staff recommends approval of a reduction in the required financial security for the Discover Crossing development in the amount of \$91,250.00 from the current amount of \$153,750.00 to the proposed amount of \$62,500.00. The Letter of Credit shall be extended to a date of November 1, 2008 to allow security to be in place for the completion and acceptance of all remaining items.

SUGGESTED MOTION FOR CONSIDERATION

Move to approve a reduction in the financial security for the Discover Crossing development in the amount of \$91,250.00 from the current amount of \$153,750.00 to the proposed amount of \$62,500.00 and to extend the security to November 1, 2008.

City Council
Date: 02/19/08
CONSENT
Item: 7
MOTION:

ITEM: Settlement Agreement
SUBMITTED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider approving and authorizing the Mayor to sign the Settlement Agreement and Release of Claims between the City of Lake Elmo and Kimberly Schaffel Anez. In order to avoid the expense and uncertainty of continued litigation, the League of Minnesota Cities Insurance Trust (LMCIT) has suggested the City to settle this claim without admission of wrongful conduct or liability on the part of the City or its officials, employees, volunteers, agents and representatives of the City. The LMCIT would pay for the entire settlement with the City being responsible for the standard deduction of \$ 500.00.

MOTION FOR CONSIDERATION: Move to approve and authorize the Mayor to sign the Settlement Agreement and Release of Claims between the City of Lake Elmo and Kimberly Schaffel Anez.

ATTACHMENT: Settlement Agreement and Release of Claims

SETTLEMENT AGREEMENT AND RELEASE OF CLAIMS

This Settlement Agreement and Release of Claims (hereinafter "Agreement") is made by and between Kimberly Schaffel Anez (hereinafter referred to as "Anez") and the City of Lake Elmo (hereinafter referred to as "City").

WHEREAS, on or about January 22, 2008, Anez filed a charge of discrimination with the U.S. Equal Employment Opportunity Commission ("EEOC"), charge number 444-2008-00422; and

WHEREAS, the City has denied any liability or wrongdoing whatsoever relating to the allegations raised by Anez in said charge; and

WHEREAS, in order to avoid the expense and uncertainty of continued litigation, the parties desire to mutually resolve and settle all disputes among them, known and unknown, in accordance with the terms and conditions hereinafter set forth; and

NOW THEREFORE, in consideration of the recitals and promises made herein, the parties agree as follows:

1. Nonadmission. It is expressly understood and agreed that this Settlement Agreement and Release of Claims ("Agreement") does not constitute, nor shall either be construed, as an adjudication or finding on the merits of any claim or potential claim by Anez nor does this Agreement constitute, nor shall either be in any manner construed, as an admission of wrongful conduct or liability on the part of the City or its officials, employees, volunteers, agents, representatives, and any affiliated entity of the City.
2. Payment. In settlement and consideration for the release of any and all claims, grievances, or complaints, asserted or unasserted, the League of Minnesota Cities Insurance

Trust ("LMCIT"), on behalf of the City of Lake Elmo, agrees to pay Anez and her attorneys, Chrastil and Steinberg, P.L.L.P., the total sum of Twenty Thousand Dollars (\$20,000.00). The City and LMCIT make no representations or warranties about any particular tax treatment of this payment. Anez enters into this Agreement only after consulting with her own attorney and/or tax advisor as to the characterization and treatment of such payment. In the event a taxing authority asserts a claim for federal or state income taxes, social security taxes, unemployment taxes and/or Medicare taxes, Anez stipulates and agrees that neither the City nor LMCIT is responsible to said taxing authority for payment of that obligation, and Anez agrees to pay for any such obligation; and Anez further agrees to indemnify, defend and hold harmless the City and LMCIT from those claims if asserted.

3. Release of Claims. In exchange for the above referenced payment at Paragraph 2, Anez, for herself, her heirs, administrators, representatives, successors, and assigns, hereby releases and forever discharges the City of Lake Elmo, LMCIT, and their current and former officers, agents, or employees, successors and assigns from any and all demands, debts, obligations or claims that were or could have been raised by Anez and that arise from or relate in any way to Anez's employment with the City, including, but not limited to, claims under Title VII of the Civil Rights Act of 1964, as amended; claims under the Civil Rights Act of 1991; claims under 42 U.S.C. §1981, §1981a, §1983, §1985, §1988; claims under the Minnesota Human Rights Act; claims under the Age Discrimination in Employment Act; and claims under any other applicable federal, state or local statute or ordinance, existing at any time up to and including the date of this Agreement.

4. Letter of Reference. Upon final execution of this Agreement, the City agrees to provide a written letter of reference to Anez in the form attached hereto as Exhibit A (three originals). The City will maintain the letter of reference in Anez' official personnel file and, upon receiving any request for an employment reference for Anez, will provide the requesting party the information contained in Exhibit A. Nothing in this Agreement shall prohibit the City from fulfilling its legal obligations concerning the release of data, including complying with its obligations under the Minnesota Data Practices Act. The parties agree that any disclosure or discussion of the terms of this Agreement is governed by current (2007) Minnesota Statutes §13.43, subd. 2 and subd. 10.

5. Dismissal of EEOC Charge. Upon final execution of this Agreement, Anez agrees to withdraw her charge of discrimination filed with the EEOC; charge number 444-2008-00422.

6. Voluntary and Knowing Action. Each person signing this Agreement specifically acknowledges that he/she has read the terms of the Agreement in full, has had the opportunity to consult with the attorney of his/her choice, understands the terms of this Agreement, and understands to be bound thereby in full. Those signing below in the representative capacity fully affirm or verify that they are authorized to execute this Agreement on behalf of their respective principals, and that it is their principals' intent to be bound thereby in full.

7. Entire Agreement. This Agreement constitutes the entire Agreement of parties and there are no unrecorded inducements or representations leading to its execution.

8. Governing Law. Interpretation and construction of this Agreement shall be governed by the laws of the State of Minnesota.

IN WITNESS WHEREOF, the City of Lake Elmo and Kimberly Schaffel Anez have approved and executed this Separation Agreement and Release of Claims.

Date: Feb. 5, 2008

Kimberly Anez
Kimberly Schaffel Anez

FOR THE CITY OF LAKE ELMO

Date: _____



651/777-5510

North / Lake Elmo, MN 55042

Kim was employed

public with inquiries
conducted in person
maintaining complex
records; attending
to Block Grant
and City septic
and publishing
and answering
requests for updates,
and motivational

of Administrative
Assistant.

operators, council
members.

City Council
Date: 2/19/08
Regular
Resolution 2008-012
Item: 8

ITEM: Consider an Interim Use Permit (IUP) application from Common Ground Church to permit the keeping of horses.

REQUESTED BY: Common Grounds Church, Applicant

SUBMITTED BY: Kelli Matzek, Planner

REVIEWED BY: Susan Hoyt, City Administrator
Kyle Klatt, Planning Director

SUMMARY AND ACTION REQUESTED:

The City Council is asked to consider a request from Common Ground Church to allow the keeping of horses as an interim use at 10240 Stillwater Blvd N. The zoning of the subject property is Public Facilities (PF) which would allow the use as IUP. The applicants have identified approximately four acres of the property for grazable land for horses and are proposing up to twelve horses be kept on the site throughout the year as part of the "Hoof Print" program.

Unlike a variance, if the applicant proves that he or she meets the criteria for granting an IUP, the City Council must approve the application. The Planning Commission held a public hearing and recommended (vote - 6:1:1) to approve the application as the commission found it met the eight general criteria and three specific criteria outlined in code when the site was evaluated for **two** horses.

The eight general criteria for all Interim Use Permits:

1. *Is the use allowed as an interim use in the respective zoning district and does it conform to standard zoning regulations?*
2. *Use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.*
3. *Use will not adversely impact implementation of the comprehensive plan.*
4. *The date or event that will terminate the use is identified with certainty.*
5. *The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the Interim Use Permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.*
6. *The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.*
7. *There are no delinquent property taxes, special assessments, interest, or City utility fees due upon the subject parcel.*
8. *The term of the interim use does not exceed two (2) years.*

The three specific criteria for horses as an Interim Use in the PF zoning district:

1. *The keeping of horses does not constitute a feedlot per Minnesota Rules.*
2. *The property is directly adjacent to only Agricultural (A) and Rural Residential (RR) zoned properties that are not developed as open space preservation subdivisions. Roadways shall be considered an adequate buffer.*

3. *Evidence is provided to show adherence to all livestock and horse regulations in the Lake Elmo city code.*

Please see the attached staff report for the full IUP criteria analysis. The staff analysis of the review criteria in City Code indicates that a maximum of two horses can be permitted as an interim use on the subject property given the acreage identified for pasture. The twelve horse maximum should be denied based on the MPCA threshold for a feedlot and the fact that not enough pasture is being made available to support twelve horses. Therefore, staff is recommending approval of the proposed IUP with conditions.

ADDITIONAL INFORMATION:

- A condition can be added to an IUP to assure the city that the specific IUP will meet the general conditions as well as the three specific criteria for the proposed use.
- The property is approximately 24.5 acres in size with four acres identified for the pasture of horses.
- The city did not receive any public comments against the application.
- The Planning Commission discussed the application and held a public hearing at the February 11th meeting. No members of the public spoke against the application at the hearing.
- If approved, the proposal would authorize horses to be kept on the property throughout the year as part of the "Hoof Prints" organization which is a non-profit, faith-based, volunteer run group. The purpose of the organization is to benefit people who may be dealing with abuse, sickness or other troubles through work with horses. Guests and volunteers care for the horses by exercising, grooming and feeding them; which in turn is meant to provide a sense of accomplishment and improved self-confidence. The proposed hours of operation would be primarily "after school" and weekends by appointment.
- Over the past two years, the applicants have explored different avenues for keeping horses on the property in conjunction with Common Ground Church. An application to make horses a conditionally permitted use was submitted, but was ultimately denied by the City. Subsequent action by the City, however, changed code to permit horses in conjunction with churches as an IUP in the PF zoning district.

OPTIONS

Of the two options listed below, staff is recommending option 1.

1. Approve the requested IUP based on the following:
 - a) Two horses will be in compliance with all livestock requirements and MPCA requirements for this type of facility;
 - b) A maximum of two horses will be in conformance with all interim use permit criteria outlined in code.

With the following conditions:

- a) No more than two horses shall be allowed;
 - b) All riding of horses shall be done in accordance with section 95.01 and 95.02 of city code;
 - c) The Interim Use Permit shall expire on December 31, 2009; at such time, the applicant's may apply for another two year IUP.
2. Deny the requested IUP based on findings of fact (please cite).

RECOMMENDATION:

Both staff and the planning commission are recommending the City Council approve the requested IUP with conditions as the keeping of horses is listed as an interim permitted use in the PF zoning district and limiting the site to two horses would comply with applicable regulations.

SUGGESTED MOTION FOR CONSIDERATION:

Motion:

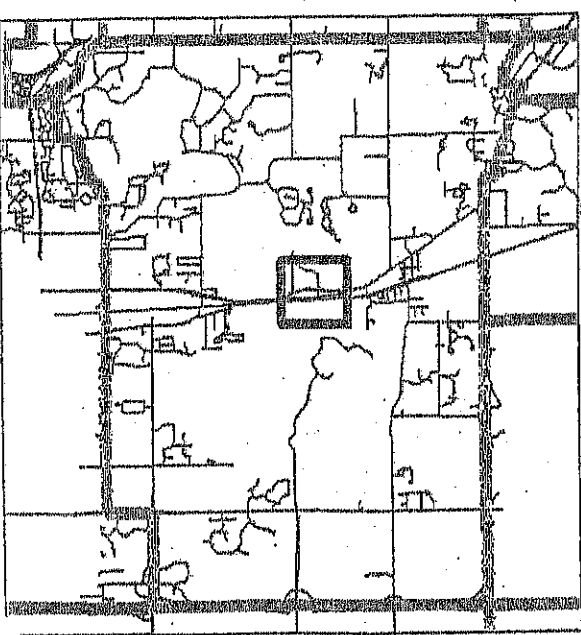
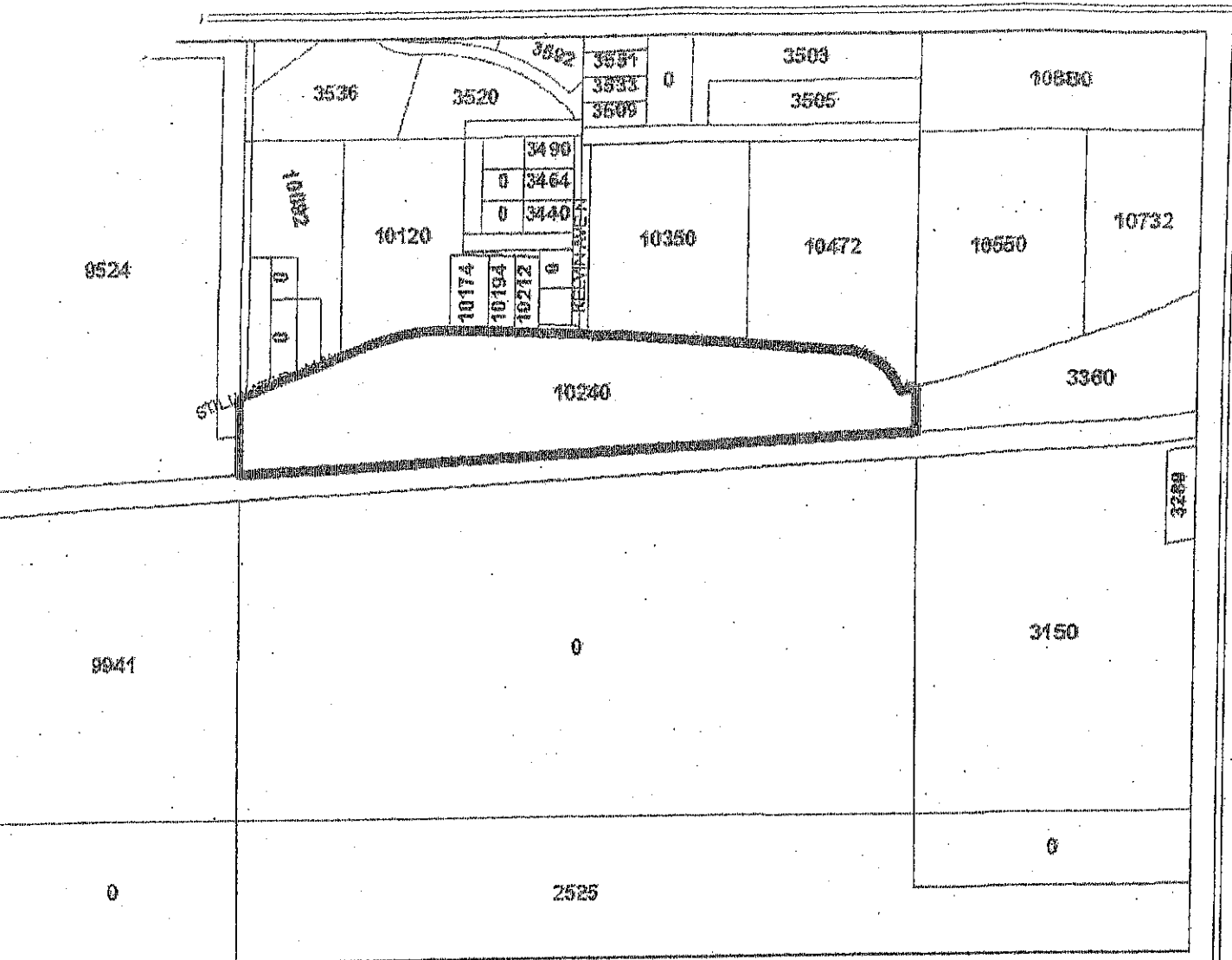
Move to approve Resolution 08-012 allowing the keeping of horses with an Interim Use Permit at 10240 Stillwater Blvd N. with conditions.

ORDER OF BUSINESS:

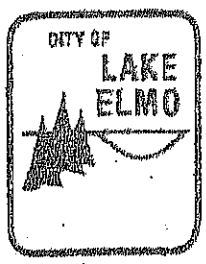
- Introduction.....Susan Hoyt, City Administrator
- Report by staff Kelli Matzek, Planner
- Questions from the CouncilMayor & Council Members
- Questions/Comments from the applicant Mayor facilitates
- Questions/Comments from the public Mayor facilitates
- Call for a Motion
(required for further discussion; does not
imply approval of the motion Mayor facilitates
- Discussion Mayor facilitates
- Action on motion..... Council

ATTACHMENTS (7):

1. Area map showing the location of the subject property;
2. Detailed staff report on the request;
3. Applicant's Written Narrative;
4. Written Comments from John Hanson (VBWD);
5. Resolution of approval for the proposed IUP for 10240 Stillwater Blvd N;
6. Consent Agreement;
7. Applicant's Site Plan of proposed pasture area.



Common Grounds Church
10240 Stillwater Blvd N.
(PID 14-029-21-32-0024)



Location within the City of Lake Elmo

City of Lake Elmo Planning Department
Interim Use Permit Request

To: City Council

From: Kelli Matzek, Planner

Meeting Date: 2-19-08

Applicant: Common Ground Church

Representatives: Pastor Mark Anderson and Dawn Oswald

Location: 10240 Stillwater Boulevard North (Hwy 5)

Zoning: Public Facilities (PF)

Introductory Information

***Application
Summary:***

The applicant is seeking an interim use permit (IUP) to allow the stabling of horses in conjunction with a ministry being run at the existing church at 10240 Stillwater Boulevard North. Horses would be kept on the property throughout the year as part of the "Hoof Prints" organization which is a non-profit, faith-based, volunteer run group. The purpose of the organization is to benefit people who may be dealing with abuse, sickness or other troubles through work with horses. Guests and volunteers care for the horses by exercising, grooming and feeding them which in turn is meant to provide a sense of accomplishment and improved self-confidence. The proposed hours of operation would be primarily in the late afternoon hours and weekends by appointment. The applicant is proposing up to twelve horses be kept at the property, and also say they will comply with the two grazable acre minimum per horse.

***Applicable
Codes:***

Section 154.019 Interim Use Permits.

Outlines the general requirements for all interim permitted uses in Lake Elmo.

Section 300.13 Design and Performance Standards – Restrictions on Nuisance and Hazardous Activities

Subd. 15 Livestock. D. Hazards and Nuisances. Outlines the keeping of horses, cattle, or other grazing animals on a site with less than two (2) acres of existing grazable land per animal is declared to be a nuisance.

Subd. 15 Livestock. E. Grazable Acres. Grazable acreage shall be defined as open, non-treed acreage exclusive of the homesite and yard that is currently providing enough pasture or other agricultural crops capable of supporting summer grazing at a density of one (1) cow, or its equivalent, per two (2) acres. Grazable acreage shall not include non-jurisdictional wetlands or slopes over twelve percent (12%).

(cont.) **Section 300.07 Zoning Districts.**

Subd. 4(M). Public Facilities, Quasi-Public Facilities. Subd 3. Uses Allowed by interim use permit. Allows the keeping of horses in conjunction with Churches as an interim use in the PF zoning district.

Findings & General Site Overview

Site Data: *Entire Lot Size:* Approximately 24.5 acres (including road right-of-way for Highway 5 and Kelvin Avenue North)
Lot Size (available for horses): Approximately 4 acres
Existing Use: Common Ground Church Facility / farming
Existing Zoning: Public Facility (PF)
Property Identification Number (PID): 14-029-21-32-0024

Application Review:

History: Over the past two years, the applicants have explored different avenues for keeping horses on the property in conjunction with Common Ground Church. Most recently, the applicant met with consulting city staff who informed them that keeping of horses on this site was clearly not permitted by code, and that it was a stretch to consider horses as conditionally permitted given the uses spelled out in the PF zoning district. The applicants worked out an arrangement with neighboring property owners to board their horses with a permitted facility while the Church sought authorization to have the horses on their land. An application to make horses a conditionally permitted use was submitted, but was ultimately denied by the City. Subsequent action by the City, however, changed code to permit horses in conjunction with churches as an interim permitted use in the PF zoning district.

IUP Review Criteria: Interim uses must be reviewed under both the general criteria for such as well as the specific criteria outlined for the requested use. Keep in mind that for these types of applications, the burden is on the City to show why the use should or should not be permitted. For horses in the PF zoning district, the following questions apply:

- 1. Is the use allowed as an interim use in the respective zoning district and does it conform to standard zoning regulations?**

Horses are an interim permitted use in conjunction with churches in the PF zoning district. The specific criteria for this interim permitted use can therefore be reviewed to assist the City in determining whether the proposal is in conformance with standard zoning regulations. The specific criteria are as

(cont.)

follows:

A. The keeping of horses does not constitute a feedlot per Minnesota Rules.

By Minnesota rules, the definitions of "Animal feedlot" and "pasture" are as follows:

MN Rule 7020.033 Subp. 3. Animal feedlot. "Animal feedlot" means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

MN Rule 7020.033 Subp. 18. Pastures. "Pastures" means areas where grass or other growing plants are used for grazing and where the concentration of animals is such that a vegetation cover is maintained during the growing season except in the immediate vicinity of temporary supplemental feeding or watering devices.

According to Don Hauge at the Minnesota Pollution Control Agency, a rough gauge is two acres per horse when setting aside pasture land to meet the MPCA definition. Based on a two-acre threshold, the Church would be limited to two horses based on the four acres of available pasturable land identified on the provided site plan. Supplemental feeding and watering would be allowed for the two horses as needed.

B. The property is directly adjacent to only Agricultural (A) and Rural Residential (RR) zoned properties that are not developed as open space preservation subdivisions. Roadways shall be considered an adequate buffer.

The subject property conforms to this requirement.

C. Evidence is provided to show adherence to all livestock and horse regulations in the Lake Elmo city code.

The specific regulations for livestock are found in section 154.104 of city code and read as follows:

- Prohibition of manure deposition without safeguards. No manure or livestock waste shall be deposited, stored, kept, or allowed to remain upon any site without reasonable safeguards adequate to prevent the escape or movement of the manure or wastes or a solution of the manure or wastes from the site which may result in pollution of any public waters or any

(cont.)

health hazard.

The MPCA has reviewed the proposed site and finds no reason to believe that the amount of manure generated by the two allowable horses will pose any risks for area water bodies. There is some concern as expressed by the VBWD in their memo (Attachment #4) that allowing more than two horses on the site east of Kelvin Avenue N will increase the potential for runoff into Sunfish Lake in addition to reducing the amount of vegetation available for grazing. Additional review would therefore be necessary if the planning commission or council determined that more than two horses is appropriate for the site.

- Minnesota Pollution Control Agency standard minimum requirement. All regulations imposed by the Minnesota Pollution Control Agency relating to keeping of livestock shall be adhered to and the regulations shall be considered the minimum safeguard necessary to prevent pollution of public water or creation of a health hazard.

Again, the MPCA has reviewed the proposed site and agrees with staff's assessment that two horses fall within the guidelines for a pasture facility. Furthermore, the MPCA did not find that the proposed use would be out of compliance with any other agency regulations.

- Inadequate safeguards. In case the Zoning Administrator shall find that any manure is stored or kept on any lot or storage site without a safeguard, or that any existing safeguard is inadequate, the Zoning Administrator may order the owner or other responsible person to immediately remove the manure from the storage site and refrain from further storage or keeping of any manure at the site unless and until an adequate safeguard is provided.

The review of the proposed use did not reveal reasons to be concerned about two horses pasturing on this site. However, the applicants should be aware of this code requirement, and the fact that the City will inspect the facility periodically to ensure that unexpected manure issues do not arise.

- Hazards and nuisances. On parcels of less than 40 acres which are not part of a larger crop-producing commercial agricultural farm, the keeping of horses, cattle, or other grazing animals on a site with less than 2 acres of existing grazable land per animal is, by this section, declared to be a nuisance. Horses may be kept on any parcel larger than 5 acres. No other domestic farm animals, livestock or commercial kennels shall be placed on any site of less than 10 acres.

As the overall parcel size exceeds five acres, horses will not be considered a hazard or nuisance on the subject property.

- Grazable acres. Grazable acreage shall be defined as open, non-treed acreage exclusive of the homesite and yard that is currently providing

(cont.)

enough pasture or other agricultural crops capable of supporting summer grazing at a density of 1 cow, or its equivalent, per 2 acres. Grazable acreage shall not include non-jurisdictional wetlands or slopes over 12%.

This requirement lends support to the MPCA's general guidelines used to determine the threshold between a pasture and a feedlot. By code, one (1) horse is listed as an equivalent to one (1) cow, and therefore this site could support one (1) horse per two acres of pasture available for summer grazing. As the church pasture area is limited to approximately four acres, the maximum number of horses for the facility under city code is two (2).

Specific regulations for horses are found in sections 95.01 & 95.02 of city code, and prohibit the riding of horses on paved roads or over paved roads. The applicants will be made aware of these requirements via conditions on any approved interim use permit.

- 2. Use will not adversely impact nearby properties through nuisance, noise, traffic, dust, or unsightliness and will not otherwise adversely impact the health, safety, and welfare of the community.***

Because the overall site area exceeds five acres, code dictates that the act of keeping horses will not be considered a nuisance. Additionally, neither staff nor the reviewing agencies have identified any ways in which two horses would impact the health, safety or welfare of the community.

- 3. Use will not adversely impact implementation of the comprehensive plan.***

Allowing the horses to be used in combination with the church will not impact implementation of the comprehensive plan.

- 4. The date or event that will terminate the use is identified with certainty.***

Staff is recommending a termination date of December 31, 2009. This date was identified as the deadline as the end of the year is often associated with the renewal and review of many city projects and applications. This deadline would also meet the requirement (#8 below) of limiting the interim use to two (2) years or less.

- 5. The applicant has signed a consent agreement agreeing that the applicant, owner, operator, tenant and/or user has no entitlement to future reapproval of the Interim Use Permit as well as agreeing that the interim use will not impose additional costs on the public if it is necessary for the public to fully or partially take the property in the future.***

The city has received a signed consent agreement as required.

- (cont.) 6. *The user agrees to all conditions that the City Council deems appropriate for permission of the use including the requirement of appropriate financial surety to cover the cost of removing the interim use and any interim structures upon the expiration of the interim use permit.*

Conditions deemed appropriate by the city will be added to the interim use permit. The permit will then be valid provided the applicant accepts and adheres to the conditions.

7. *There are no delinquent property taxes, special assessments, interest, or City utility fees due upon the subject parcel.*

The City's Finance Officer has reviewed the City's records and finds no indication of unpaid taxes or assessments.

8. *The term of the interim use does not exceed two (2) years.*

As identified in criteria #4 above, staff is recommending an expiration date of December 31, 2009 as this would not exceed the two year limit.

**Interim Use
Permit
Conclusions:**

The above analysis of the review criteria in City Code indicates that a maximum of two horses can be permitted as an interim use on the subject property given the area identified for pasture. The twelve horse maximum would need to be denied based on the MPCA threshold for a feedlot and the fact that not enough pasture is being made available to support twelve horses.

**Resident
Concerns:**

Staff is not aware of any resident concerns surrounding the requested interim use permit.

**Other Agency
Reviews:**

- The DNR did not have any comment for or against the application.
- The VBWD expressed concern in a letter (See Attachment #4) regarding the number of horses and the available grazable acreage. Allowing a higher density of horses in the four acres of pasture identified by the applicant has the potential to create runoff which would ultimately drain to Sunfish Lake.

Conclusion:

The applicant is seeking approval of an IUP to allow the stabling of horses in conjunction with a ministry being run at the church. Horses would be kept on the property throughout the year as part of the "Hoof Prints" organization which is a non-profit, faith-based, volunteer run group.

Council Options:

The City Council has the following options:

A) Approve the Interim Use Permit request (with findings of fact);

B) Deny the Interim Use Permit request (with findings of fact);

The 60-day review period for this application expires on 2-24-08, but can be extended an additional 60 days if more time is needed.

Staff Rec: Staff is recommending approval of an Interim Use Permit to allow **two** horses on the site for the Hoof Prints ministry at 10240 Stillwater Boulevard North, based on the following:

1. Two horses will be in compliance with all livestock requirements and MPCA requirements for this type of facility;
2. A maximum of two horses will be in conformance with all interim use permit criteria outlined in code.

With the following conditions:

- No more than two horses shall be allowed;
- All riding of horses shall be done in accordance with section 95.01 and 95.02 of city code.
- The Interim Use Permit shall expire on December 31, 2009; at such time, the applicant's may apply for another two year IUP.

Planning Com Rec: The planning commission recommended approval of the IUP to allow the stabling of horses at 10240 Stillwater Boulevard North based on the findings provided by staff.

Approval Motion Template: To approve the request, you may use the following motion as a guide:
Move to approve the requested IUP based on the findings cited by staff in the report with conditions (and others as you deem appropriate).

Denial Motion Template: To deny the request, you may use the following motion as a guide:
Move to deny the requested IUP based on the findings of fact...(please site reasons for the recommendation)

cc: Pastor Mark Anderson, Applicant

RECEIVED

City of Lake Elmo
DEVELOPMENT APPLICATION FORM

- Comprehensive Plan Amendment
- Zoning District Amendment
- Text Amendment
- Flood Plain C.U.P. Conditional Use Permit
- Conditional Use Permit (C.U.P.)
- Variance * (See below)
- Minor Subdivision
- Lot Line Adjustment
- Residential Subdivision Sketch/Concept Plan
- Site & Building Plan Review
- Residential Subdivision Preliminary/Final Plat
 - 01 - 10 Lots
 - 11 - 20 Lots
 - 21 Lots or More
- Excavating & Grading Permit
- Appeal
- PUD
- Interim Use Permit

APPLICANT: Mark Anderson, Common Ground Church 10240 Stillwater Blvd. N Lake Elmo,
(Name) (Mailing Address) (Zip) 55042

ELEPHONES: 407-0430 (Home) 612-803-4878 (Mobile) (Fax)

SEE OWNER: Dawn Oswald, Common Ground Church
(Name) (Mailing Address) (Zip)

ELEPHONES: 651-439-9419 (Home) (Work) (Mobile) (Fax)

PROPERTY LOCATION (Address and Complete (Long) Legal Description): See Attached

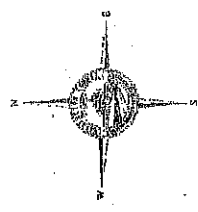
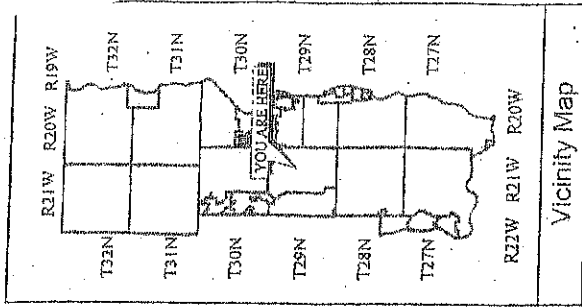
DETAILED REASON FOR REQUEST: We'd like to reach out to women and children within our community who have or are suffering with depression, abuse, sickness or troubled by using horses. Combining people w/ horses allows them to experience therapeutic interaction in a nurturing environment, a place where we can bond along side people as they heal.

VARIANCE REQUESTS: As outlined in Section 301.060 C. of the Lake Elmo Municipal Code, the Applicant must demonstrate a hardship before a variance can be granted. The hardship related to this application is as follows: People as they heal.

By signing this application, I hereby acknowledge that I have read and fully understand the applicable provisions of the zoning and Subdivision Ordinances and current administrative procedures. I further acknowledge the fee explanation as outlined in the application procedures and hereby agree to pay all statements received from the City pertaining to additional application expense.

Mark E. Anderson 12-19-07
Signature of Applicant Date

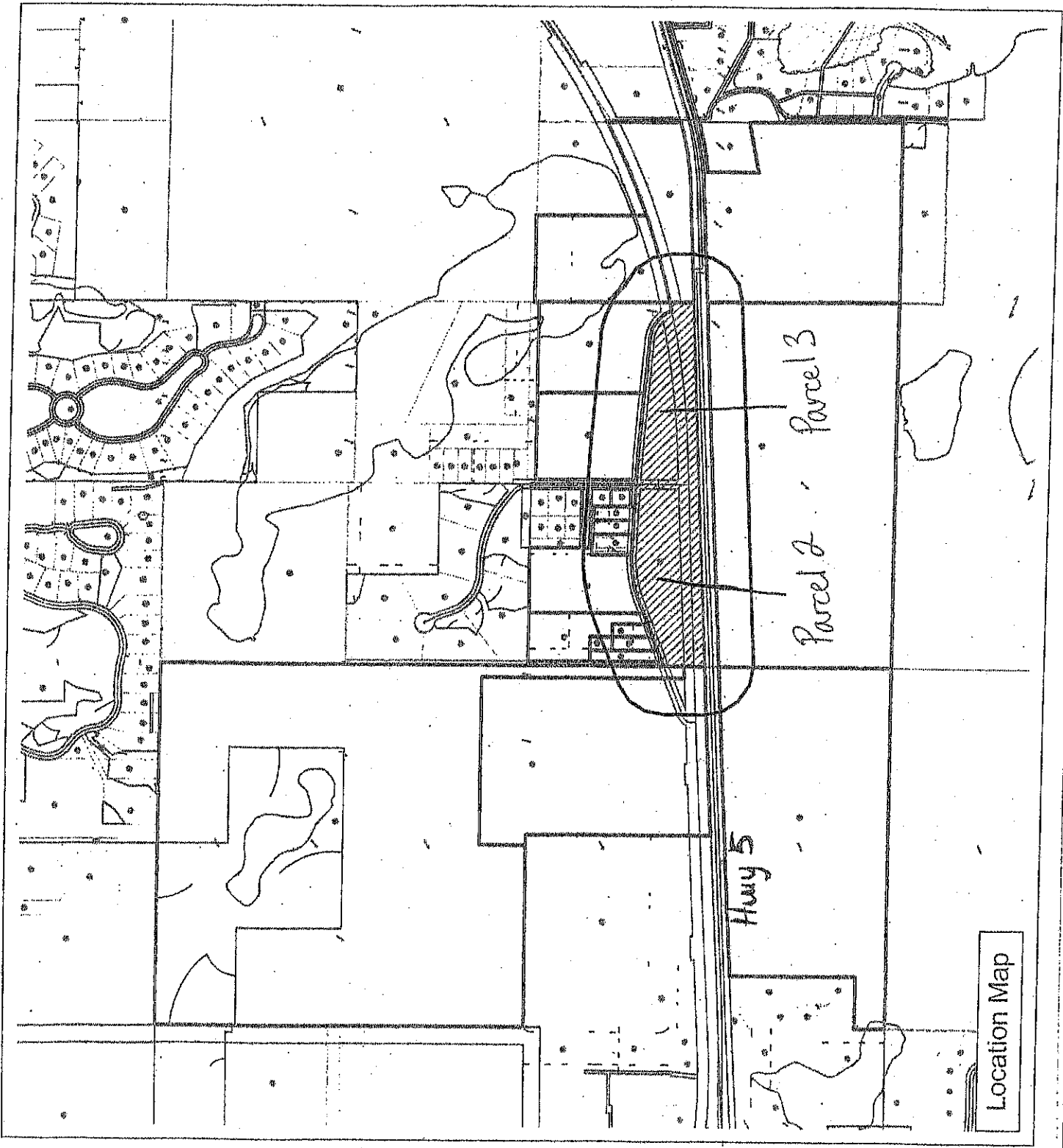
Dawn Oswald 12/26/07
Signature of Applicant Date



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

Source: Washington County Surveyor's Office.
Phone (607) 436-6875

Parcel data based on AS-00 information current through November 30, 2007.
Map printed: January 10, 2008



Location Map

JAN 11 2007

Common Ground Church Interim Use Permit Application Request

Hoof Prints is a non-profit, faith-based, volunteer run organization that will fit nicely into the rural setting of Lake Elmo and within the community's values. Our vision for this ministry is to help people through direct contact with rehabilitated horses. Our purpose is to benefit people who may be dealing with abuse, sickness or other troubles. This will happen as our guests, in conjunction with our volunteers, care for the horses by exercising, grooming, and feeding them. Horses have a calming effect on people and the interaction will provide individuals with a sense of accomplishment while improving their self confidence.

Common Ground Church is fully prepared to comply with all city and state requirements to maintain this permit. In the event that Common Ground wishes to continue this ministry beyond the two year interim use period, Common Ground will seek to re-apply for permit in January 2010. As per Lake Elmo City ordinance 154.104 Common Ground will comply with the 2 grazable acre minimum per horse, and house no more than 12 horses.

Proposed hours:

As we begin the ministry in spring 2008, it is anticipated that hours of operations will be primarily in the late afternoon hours and on weekends by appointment. We will re-evaluate the need as the ministry evolves.

154.104 LIVESTOCKA. Prohibition of manure deposition without safeguards

Fill was taken from Parcel 3 and moved to Parcel 2 when the church building was first constructed in 1979, in order for the building to stand on higher ground. Though the site plan states "retention pond", it has never functioned as one, because the two culverts were never installed which would have allowed water to escape this area. In fact, a dike was built at the east end of the parcel that is about 4 to 6 feet high. This is the area closest to Sunfish Lake. Occasionally there is a small amount of water that pools resulting from the spring thaw but this does not amount to more than a few inches each year, and is located more along Highway 5. It is usually absorbed by the end of spring. The section of land in question is completely landlocked and devoid of direct or indirect contact with any surrounding bodies of water.

B. Pollution Control Agency Standard Minimum Requirements

Doug Hougie of the MnPCA, was provided with a full description of the intended use of the Common Ground land, after which he indicated there should not be any concern as the State of Minnesota considers this as a pasture operation. Since horse manure is considered fertilizer he said it can be broken apart, raked into the ground, or simply left alone. The only way this would be of concern is if our horse population exceeded 50 horses. We would then be required to have the manure hauled away to another site. We can not and do not intend on retaining more than 12 horses.

The Land will be used to serve in the capacity of a pasture as outlined in MN Statute 103G.005 Subd.14a. And as described by the Minnesota Department of Agriculture as: Areas where grass or other growing plants are used for grazing and where the concentration of animals is such that vegetative cover is maintained during the growing season, except in the immediate vicinity of temporary supplemental feeding or watering systems.

This land will not be used as a feedlot as defined by MN Statute 116.07 and as described by the Minnesota Department of Agriculture as: A lot or building or combination of lots or buildings intended for the confined feeding breeding raising or holding of animals specifically designed as a confinement area where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing poultry are considered feedlots. Pastures are not considered animal feed lots.

C. Inadequate Safeguards

Though we do not anticipate any problems we will cooperate with the city if safety is brought forth as an issue. Please see section "B" in reference to manure control.

D. Hazards and Nuisances

In accordance with MN Statutes and Agricultural standards, vegetative cover will be maintained during the growing season throughout the pasture with the exception of the immediate vicinity for feeding and watering. We are in compliance with this regulation. (See map)

E. Grazable Acres

In accordance with MN Statutes, MN Agricultural standards and Lake Elmo City ordinance 154.104, the Common Ground property exceeds the minimal restrictions of 2 acres of grazable land per horse. Currently grazable land owned by Common Ground is in excess of 24 acres. We have no intention of exceeding our horse capacity beyond that which allows for the 2 acres of grazable land per animal, which thereby restricts us to a full capacity of 12 horses.

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

RESOLUTION NO. 2008-012

**A RESOLUTION GRANTING AN INTERIM USE PERMIT TO ALLOW THE KEEPING
OF HORSES AT 10240 STILLWATER BOULEVARD NORTH**

WHEREAS, Common Ground Church has requested an Interim Use Permit at 10240 Stillwater Boulevard North to allow the keeping of horses in conjunction with the Hoof Prints Ministry Program in the PF zoning district.

WHEREAS, the Lake Elmo Planning Commission held a Public Hearing on February 11, 2008, and reviewed and recommended approval of the Interim Use Permit for the keeping of horses on the site based on the following findings:

1. Two horses would be in compliance with all livestock requirements and MPCA requirements for this type of facility;
2. A maximum of two horses will be in conformance with all interim use permit criteria outlined in code.

NOW, THEREFORE, BE IT RESOLVED that the Lake Elmo City Council hereby approves an Interim Use Permit at 10240 Stillwater Boulevard North to allow the keeping of horses, based on the Findings and subject to the following conditions:

1. No more than two horses shall be allowed;
2. All riding of horses shall be done in accordance with section 95.01 and 05.02 of city code;
3. The Interim Use Permit shall expire on December 31, 2009; at such time, the applicants may apply for another two year IUP.

This resolution was adopted by the City Council of the City of Lake Elmo on the 19th day of February 2008, by a vote of ___ Ayes and ___ Nays.

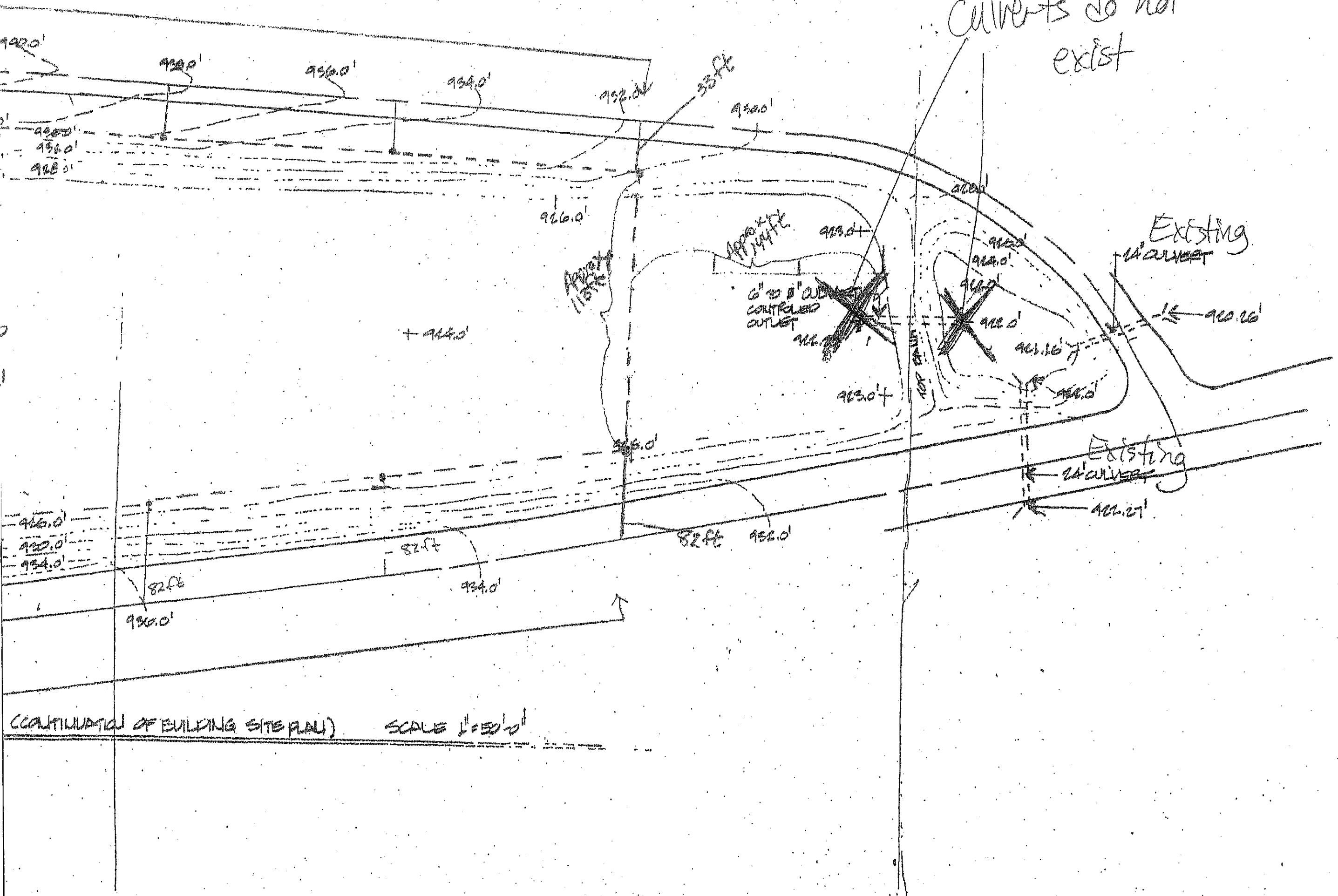
Dean A. Johnston, Mayor

ATTEST:

Susan Hoyt, City Administrator

(SEAL)

Culverts do not exist



(CONTINUATION) OF BUILDING SITE PLAN) SCALE 1"=50'-0"