

<p>Mayor: Dean Johnston Council members: Rita Conlin Steve DeLapp Liz Johnson Anne Smith</p>	<p><b>Lake Elmo City Council</b> <b>Tuesday</b> <b>December 20, 2005</b></p>	<p>3800 Laverne Avenue No. Lake Elmo, MN 55042 777-5510 777-9615 (fax)</p>
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**Please read:** Since the City Council does not have time to discuss every point presented, it may appear that decisions are preconceived. However, staff provides background information to the City Council on each agenda item in advance; and decisions are based on this information and experience. In addition, some items may have been discussed at previous council meetings.

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

**Agenda**  
**City Council Meeting Convenes 7:00 PM**

<p><b>Pledge of Allegiance</b></p>	
<p><b>1. Agenda</b></p>	
<p><b>2. Minutes:</b></p>	<p>December 6, 2005 (Postponed)</p>
<p><b>3. <u>PUBLIC INQUIRIES/INFORMATIONAL:</u></b> <b>A. PUBLIC INFORMATIONAL:</b></p>	<p><b>Public Inquiries/Informational</b> is an opportunity for citizens to bring the Council's attention any items not currently on the agenda. In addressing the Council, please state your name and address for the record, and a brief summary of the specific item being addressed to the Council. To allow adequate time for each person wishing to address the Council, we ask that individuals limit their comments to three (3) minutes. Written documents may be distributed to the Council prior to the meeting or as bench copies, to allow a more timely presentation.</p>
<p><b>4. <u>CONSENT AGENDA</u></b> <b>A. Resolution No. 2005-141: Approving claims</b> <b>B. Ski Grooming Agreement with Washington County</b> <b>C. Partial Payment No. 1 – Water System Interconnect Phase III; Resolution No. 2005-147</b></p>	<p>Those items listed under the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion under a Consent Calendar format. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the general order of business and considered separately in its normal sequence on the agenda.</p>
<p><b>5. <u>FINANCE</u></b> <b>A. Finance for New Pumper/Tanker</b> <b>B. Grant Funds Depository Account; Resolution No. 2005-146</b> <b>C. Monthly Operating Report</b> <b>6. <u>NEW BUSINESS</u></b> <b>A. Planning Commission Appointments</b> <b>B. Mayor – Four Year Term</b></p>	

<p><b>C. Change Council Committees to Council Workshop</b></p> <p><b>D. Animal Control – Direct staff to review service and contract</b></p> <p><b>E. Ramsey Center For Arts request use of Lions Park for Art Fair</b></p>		
<p><b>7. <u>MAINTENANCE/PARK/FIRE/BUILDING:</u></b></p>		
<p><b>8. <u>CITY ENGINEER’S REPORT:</u></b></p> <p><b>A. Escrow Reductions:</b></p> <p>(1) DA Farms of Lake Elmo</p> <p>(2) DA Sanctuary of Lake Elmo</p> <p>(3) DA Tapestry</p>	<p>Tom Prew</p>	
<p><b>9. <u>PLANNING, LAND USE &amp; ZONING:</u></b></p> <p><b>A. Site Plan Amendment –Country Air Golf:Resolution No. 2005-142</b></p> <p><b>B. Comprehensive Plan Amendment – Trails Guide Plan:Resolution No. 2005-143</b></p> <p><b>C. Amendments to the 2030 Comprehensive Plan; Resolution No. 2005-145</b></p> <p><b>D. Xcel Energy Easement</b></p> <p><b>E. 2006-2010 Capital Improvements Program;Resolution No. 2005-137</b></p> <p><b>F. Zoning Variances, 10941 32<sup>nd</sup> Street (Hutton): Resolution No. 2005-144</b></p> <p><b>G. Eurasian Milfoil</b></p>	<p>C. Dillerud</p>	
<p><b>10. <u>CITY ATTORNEY’S REPORT:</u></b></p> <p><b>A. Snowmobile Ordinance, 97-164</b></p>		
<p><b>11. <u>CITY ADMINISTRATOR’S REPORT:</u></b></p> <p><b>A. Hiring Full-time Fire Chief</b></p>		
<p><b>12. <u>CITY COUNCIL REPORTS:</u></b></p> <p><b>A. Mayor Johnston</b></p> <p><b>B. Council Member Conlin</b></p> <p><b>C. Council Member DeLapp</b></p> <p><b>D. Council Member Johnson</b></p> <p><b>E. Council Member Smith</b></p>		

# LAKE ELMO CITY COUNCIL MINUTES

NOVEMBER 15, 2005

1. AGENDA
2. MINUTES: October 18 2005, November 1, 2005
3. PUBLIC INQUIRIES/INFORMATIONAL:
  - A. Public Informational
4. CONSENT AGENDA:
  - A. Resolution No. 2005-121: Approving Claims
  - B. Resolution No. 2005-122: Approving Maplewood Oakdale Lions Charitable Gambling License
  - C. Resolution No. 2005-124: Railroad Crossing Agreement for Water Systems Interconnect Phase III
  - D. (1) Resolution No. 2005-125: Change Order for Chris Riley Water Project Phase I  
(2) Resolution No. 2005-126: Change Order for Chris Riley Water Project Phase III
  - E. Ad Hoc Community Improvement Committee Attendance
5. FINANCE:
  - A. Public Hearing: Assessment for Proposed Unpaid Municipal Utilities; Resolution No. 2005-123
  - B. Monthly Operating Report
  - C. Truth N' Taxation, Proposed Budget – verbal
6. NEW BUSINESS:
7. MAINTENANCE/PARK/FIRE/BUILDING:
  - A. Fire Department:
    - (1) Resolution No. 2005-127 Adopting the National Incident Management System
    - (2) Resolution No 2005-128, Adopting and Promoting the Use of Intrastate Mutual Aid Agreements – NOT ADOPTED
  - B. Update on Building Department: Activities: Jim McNamara
8. CITY ENGINEER'S REPORT:
9. PLANNING, LAND USE & ZONING:
  - A. Alternative Septic Treatment – Austad, Pierre, Hurt
  - B. Comprehensive Plan Update – verbal
10. CITY ADMINISTRATOR'S REPORT:
11. CITY COUNCIL REPORTS:

Mayor Johnston called the Council meeting to order at 7:00 p.m. in the Council chambers: PRESENT: Conlin, Smith, Johnston, Johnson, City Planner Dillerud, City Engineer Prew, City Attorney Filla, Building Official Jim McNamara, Finance Director Tom Bouthilet. ABSENT: Council member DeLapp

**1. AGENDA:**

M/S/P Johnson/Smith - to approve the November 15, 2005 City Council agenda, as amended. (Motion passed 4-0).

**2. MINUTES: October 18 2005**

M/S/P Johnson/Conlin - to approve the October 18, 2005 City Council Minutes, as amended. (Motion passed 4-0).

**MINUTES: November 1, 2005**

M/S/P Johnson/Smith - to approve the November 1, 2005 City Council Minutes, as amended. (Motion passed 4-0).

**3. PUBLIC INQUIRIES/INFORMATIONAL:**

**A. Public Informational**

A resident at 8740 Stillwater Blvd., asked if he could split his 9.5 acres in Residential Estates zoning. The City Planner noted this has been an unprecedented action as this has never been asked before. Such a request would require a Comprehensive Plan amendment, rezoning and a variance. The Council suggested that the resident get together with the planner and initiate the process.

**4. CONSENT AGENDA:**

**A. Resolution No. 2005-121: Approving Claims**

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-121, Resolution Approving Claim Numbers 290, 291, DD561 through DD572, 28187 through 28218 which were used for Staff Payroll dated November 10, 2005 and claims 28219 through 28268 in the total amount of \$101,958.87. (Motion passed 4-0).

**B. Resolution No. 2005-122: Approving Maplewood Oakdale Lions Charitable Gambling License**

The Maplewood-Oakdale Lions is requesting its annual One-Day (February 6, 2006), Off-Site Gambling License to sell raffles and hold bingo at the Lake Elmo Inn.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-122, A Resolution Approving the Issuance of a Charitable Gambling License by the State of Minnesota to the Maplewood/Oakdale Lions. (Motion passed 4-0).

**C. Railroad Crossing Agreement for Water Systems Interconnect Phase III**

In his memo dated November 10, 2005, the City Engineer reported the portion of water main that crosses under the railroad bridge on Stillwater Boulevard requires a Pipeline crossing agreement. The Railroad requires \$1,500 License Fee with this agreement.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-124, A Resolution Approving The Agreement Covering A Pipeline Crossing at Lake Elmo. (Motion passed 4-0).

D. (1) Resolution No. 2005-125:Change Order for Chris Riley Water Project Phase I

In his memo dated November 10, 2005, the City Engineer reported due to the late completion of the Phase I Project by the contractor, they entered into discussions with them regarding liquidated damages for that project. As a result of those talks, the City agreed to deduct \$10,000 from monies due them and to have them install Phase V water main at an agreed upon price of \$20,000.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-125, Resolution Approving Change Order No. 1 for Chris Riley Water Systems Interconnect Project Phase I. (Motion passed 4-0).

(2) Resolution No. 2005-126:Change Order for Chris Riley Water Project Phase III

In his memo dated November 10, 2005, the City Engineer reported due to the hurricanes in the Gulf area, the availability of polyethylene pipe is in very short supply. The contractor has had his order for pipe delayed and the price substantially increased as a result of these conditions. The City has agreed to extend the completion date for a portion of this project. Staff is recommending that the point of the project necessary to give water service to the Farms of Lake Elmo be completed this fall and complete the remainder of the project next spring.

M/S/P Johnson/Conlin - to adopt Resolution No. 2005-126, A Resolution Approving Change Order No. 1 for Chris Riley Water Systems Interconnect Project Phase III. (Motion passed 4-0).

E. Ad Hoc Community Improvement Committee Attendance

At the direction of the Council, the CIC was directed to review the absence of Jill Anderson and their meeting schedule. At their November 9th meeting, the CIC recommended that Commissioner Jill Anderson be removed from the CIC for cause and hoped Ms. Anderson will reapply when her time permits. The CIC has established a quarterly meeting schedule for 2006.

M/S/P Johnson/Conlin -- to remove Jill Anderson from the Community Improvement Commission for non-response and to thank her for her service to the City. (Motion passed 4-0).

Mayor Johnston indicated the Community Improvement Commission was never intended to be an Ad Hoc Committee and asked that this item be added to the next Council Committee agenda.

**5. FINANCE:**

**A. Public Hearing: Assessment for Proposed Unpaid Municipal Utilities; Resolution No. 2005-123**

The Finance Director reported the City by State Statute and City Code has the authority to assess property owners for unpaid utilities and services. All property owners were sent letters regarding past due Municipal utilities balances. Notification of the Public Hearing was published in the Lake Elmo Leader on November 4, 2005. Property owners will have until November 30, 2005 to pay the balance due without interest or a fee of \$25, whichever is greater.

Mayor Johnston opened up the public hearing at 7:17 p.m. in the Council chambers. There was no one to speak for or against the unpaid municipal utilities. Mayor Johnston closed the public hearing at 7:18 p.m.

M/S/P Johnson/Johnston - to adopt Resolution No. 2005-123, A Resolution Authorizing Certification to Washington County Auditor for Unpaid Utility Bills. (Motion passed 4-0).

**B. Truth N' Taxation, Proposed Budget - verbal**

The Truth and Taxation Hearing is schedule for December 5<sup>th</sup>, 7 p.m. with the adoption scheduled for the December 6th Council meeting. If the Hearing needs to be continued, December 12<sup>th</sup> is the date scheduled.

**6. NEW BUSINESS:**

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

**A. Fire Department:**

**(1) Resolution No. 2005-127 Adopting the National Incident Management System**

Fire Chief Malmquist reported that as Minnesota continues to implement Homeland Security Presidential Directives (HSPD) 5 and 8, the National Incident Management System (NIMS) is a key element to compliance and effective implementation. The NIMS system makes the nation and Minnesota safer by establishing the uniform response processes, protocols, and procedures for all emergency responders.

M/S/P Johnson/Smith - to adopt Resolution No. 2005-127, Designation of the National Incident Management System as the Basis for All Incident Management in the City of Lake Elmo. (Motion 4-0).

(2) Resolution No 2005-128, Adopting and Promoting the Use of Intrastate Mutual Aid Agreements

In the letter dated May 18, 2005, it indicates there are nine steps needed for initial implementation of HSPD 5 and 8 and for initial NIMS ICS compliance are identified in a memo dated March 10, 2005, entitled National Incident Management System: Incident Command System Elements Implementation to Minnesota. The Council did not receive a copy of the memo dated March 10, 2005.

M/S/P Johnson/Johnston – to delay action on this agenda item in order to obtain the March 10, 2005 Memo. (Motion passed 4-0.)

B. Update on Building Department: Activities: Jim McNamara

The Building Official reported there were five new residential permits and one new commercial permit issued for October, 2005.

**8. CITY ENGINEER'S REPORT:**

**9. PLANNING, LAND USE, AND ZONING:**

A. Alternative Septic Treatment – Austad, Pierre, Hurt

The City Planner reported the City received a letter from Attorney Rooney on behalf of the property owners located at the northwest corner of Highlands Trail and Hytrail. The letter requests the City's assistance to either hook these homes to the Metropolitan Sewer line at 54<sup>th</sup> Street in Oakdale or locate a site on City owned property with the DeMontreville Nature area on which to construct conventional drain field. The petitioners have indicated that they will pay the costs of whichever alternate is pursued.

The Planner noted that the City staff suggested to locate a conventional drain field site or sites on some of the high ground within the DeMontreville Natural area to which wastewater could be pumped and infiltrated...much like the several existing 201 systems in the City. If the pipe and drain fields become City infrastructure (as are the 201's) the appropriate connection fee and quarterly service fee would be charged the property owners, and the City would maintain that infrastructure—still to be constructed at the property owners expense.

Mr. Austad said they have a septic designer if the City wants to proceed with siting a three home system in the wilderness park area. The Council thought this was a workable solution for a health and safety issue. The City Administrator added the project would be under the City Engineer's control and any costs would be reimbursed. The City would bare no costs for the solution.

M/S/P Johnston/Johnson – to direct the staff to work with the three homeowners (Austad/Pierre/Hurt) on Hytrail Avenue in the direction of a community treatment on Lake Demontreville wilderness area and meet the designer requirements of the city engineer and any costs would be reimbursed by the property owners. (Motion passed 4-0)

Attorney Filla noted there was no public hearing required. Council member Johnson suggested informing all the residents in the area and to allow them to comment.

Mr. Austad said he would get the septic designer and send a report to TKDA.

**B. Comprehensive Plan Update – verbal**

The City Planner provided a letter he drafted to Phyllis Hanson, Local Planning Assistance Manager of the Metropolitan Council, in response to her letter of September 26 initiating “a preliminary review dialogue” regarding the City’s 2005-2030 Comp Plan submission to the Metropolitan Council.

The Council changed the sentence on the second page, 1<sup>st</sup> paragraph, to read as follows “The City Council unanimously adopted a Motion directing me to advise the Metropolitan Council that the City Council finds Conditions 3(i), (i),(ii) and (iii) not to be in compliance with State Statute providing that the Metropolitan Council may attach only “reasonable” conditions to time extension for plan submission.”

**10. CITY ADMINISTRATOR’S REPORT:**

The City Administrator reported that the City of Oakdale approached him to consider allowing them to share our salt facility at the new public works facility. In continuation with our cooperative relationship with Oakdale, he said we would evaluate what facility costs would be and take preliminary steps which would be borne by the City of Oakdale. The questions raised by Council were the number of years for the agreement, cost of road deterioration and increase in traffic.

The Council consensus was to approve the direction for the City Administrator to work with the City of Oakdale on the joint salt project with Oakdale.

The Washington County Administrators elected Martin Rafferty as their Chairman.

**11. CITY COUNCIL REPORTS:**

Mayor Johnston announced the Lake Elmo Library will be opening in December. Council member Johnson alerted the public that December 1<sup>st</sup> the Minnesota State Demographer will have a demographics presentation at 6:30 p.m. at the Grand in Stillwater.

The Council Adjourn the meeting 8 p.m.

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Respectfully submitted by Sharon Lumby, City Clerk

Resolution No. 2005-121 Claims

Resolution No. 2005-122 Maplewood Oakdale Lions Charitable Gambling License

Resolution No. 2005-123 Assessment for Unpaid Municipal Utilities



Resolution No. 2005-124 Railroad Crossing Agreement for Water Systems Interconnect  
Phase III  
Resolution No. 2005-125 Change Order for Chris Riley Water Project Phase I  
Resolution No. 2005-126 Change Order for Chris Riley Water Project Phase III  
Resolution No. 2005-127 National Incident Management System

DRAFT

MINUTES APPROVED: December 6, 2005  
LAKE ELMO CITY COUNCIL MINUTES

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Resolution No. 2005-124 Railroad Crossing Agreement for Water Systems Interconnect  
Phase III  
Resolution No. 2005-125 Change Order for Chris Riley Water Project Phase I  
Resolution No. 2005-126 Change Order for Chris Riley Water Project Phase III  
Resolution No. 2005-127 National Incident Management System

4A.

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

**RESOLUTION NO. 2005-141  
RESOLUTION APPROVING CLAIMS**

BE IT RESOLVED THAT Claim Numbers 297, 298, DD583 through DD593, 28351 through 28386, were used for Staff Payroll dated December 8<sup>th</sup>, 2005; claims 28387 through 28447, in the total amount of \$245,281.27 are hereby approved.

ADOPTED, by the Lake Elmo City Council on the 20<sup>th</sup> day of December, 2005.

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Dean A. Johnston  
Mayor

ATTEST:

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Martin J. Rafferty  
City Administrator

# Accounts Payable Computer Check Proof List

User: administrator

Printed: 12/15/2005 - 3:23 PM



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor: ACEHARD 15954 16257	Ace Hardware Light bulbs - City Hall Parts - Public Works Check Total:	158.45 47.33 205.78	12/20/2005 12/20/2005	Check Sequence: 1 101-410-1940-42230 101-430-3100-42210	ACH Enabled: No
Vendor: AMERICLA 4087	American Classic Homes Ret. Dep. for 11622 LBS Cir - 4087 Check Total:	1,000.00 1,000.00	12/20/2005	Check Sequence: 2 803-000-0000-22900	ACH Enabled: No
Vendor: AMLEGAL 49596	American Legal Publishing Corp Code of Ordinances Check Total:	563.00 563.00	12/20/2005	Check Sequence: 3 101-410-1320-43510	ACH Enabled: No
Vendor: AMPLAN 126582-120405	American Planning Association Annual Membership - CD Check Total:	190.00 190.00	12/20/2005	Check Sequence: 4 101-410-1910-44330	ACH Enabled: No
Vendor: ANCOM 0000066269	ANCOM COMMUNICATIONS, INC. Pager Repairs Check Total:	477.59 477.59	12/20/2005	Check Sequence: 5 101-420-2220-43230	ACH Enabled: No
Vendor: ARAM 629-5861054	Aramark Linen - City Hall Check Total:	59.93 59.93	12/20/2005	Check Sequence: 6 101-410-1940-44010	ACH Enabled: No
Vendor: BOUTHOTM Rotary	ThomasBouthotlet Reimb. - Rotary Membership	125.00	12/20/2005	Check Sequence: 7 101-410-1520-44330	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	125.00			
Vendor:BOYER 50718SP	Boyer Ford Trucks Pwr Steering FL Tank - Plow Truck Check Total:	147.62 147.62	12/20/2005	Check Sequence: 8 101-430-3100-42210	ACH Enabled: No
Vendor:COPYMAG 67424	Copy Images, Inc. Monthly Copier Maint. Check Total:	256.60 256.60	12/20/2005	Check Sequence: 9 101-410-1940-44040	ACH Enabled: No
Vendor:CPTELECO 651-207-1000	CP Telecom Telephone Service - Nov05 - City Hall Check Total:	516.56 516.56	12/20/2005	Check Sequence: 10 101-410-1940-43210	ACH Enabled: No
Vendor:DEEPRCK 1123359570	Deep Rock Water Company Water, supplies - Public Works Check Total:	173.85 173.85	12/20/2005	Check Sequence: 11 101-430-3100-44300	ACH Enabled: No
Vendor:DILLERUD 12/07/05	CharlesDillerud Mileage - LMC Annual Conf. - Rochester Check Total:	77.73 77.73	12/20/2005	Check Sequence: 12 101-410-1910-43310	ACH Enabled: No
Vendor:DTI 105930 105930 105930 105930	DTI Telephone Service - Public Works Telephone Service - Well 1 Telephone Service - Lift Stations Telephone Service - Fire Dept Check Total:	70.70 35.32 105.95 120.51 332.48	12/20/2005 12/20/2005 12/20/2005 12/20/2005	Check Sequence: 13 101-430-3100-43210 601-494-9400-43210 602-495-9450-43210 101-420-2220-43210	ACH Enabled: No
Vendor:ELKIN 11/30/2005	Elkin Soil Testing Borings - Fields of St. Croix Check Total:	1,080.00 1,080.00	12/20/2005	Check Sequence: 14 803-490-9070-43030	ACH Enabled: No
Vendor:ELMOLUM 032928-01	Elmo's Lumber & Plywood Lock - Fire Dept Check Total:	9.46 9.46	12/20/2005	Check Sequence: 15 101-420-2220-42230	ACH Enabled: No



Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:FARMERS 141352 141372	Farmers Union Co-Op Oil Fuel - Fire Dept Car Wash - Bldg Dept Check Total:	41.00 6.38 47.38	12/20/2005 12/20/2005	Check Sequence: 16 101-420-2220-42120 101-420-2400-44040	ACH Enabled: No
Vendor:FOUR 23-041233	Four Seasons Service Supplies- City Hall Check Total:	55.65 55.65	12/20/2005	Check Sequence: 17 101-410-1940-44300	ACH Enabled: No
Vendor:GENESIS IVC00906	Next Genesis Productions Monthly Software Support - Dec05 Check Total:	900.00 900.00	12/20/2005	Check Sequence: 18 101-410-1520-43180	ACH Enabled: No
Vendor:HAGBERGS Account 10 Account 10	Hagbergs Country Market Supplies - City Hall Supplies - Elections Check Total:	22.97 66.41 89.38	12/20/2005 12/20/2005	Check Sequence: 19 101-410-1320-44300 101-410-1410-44300	ACH Enabled: No
Vendor:HOLIDAY 11160/877	Holiday Inn Lodging - St. DeLapp - LMC Conf. Check Total:	109.49 109.49	12/20/2005	Check Sequence: 20 101-410-1110-43310	ACH Enabled: No
Vendor:JOHNSLIZ 12/05/05	Elizabeth Johnson Mileage - LMC Conference Check Total:	81.48 81.48	12/20/2005	Check Sequence: 21 101-410-1110-43310	ACH Enabled: No
Vendor:JOHNSTON 12/05/05	Dean Johnston Mileage - LMC Conference Check Total:	98.94 98.94	12/20/2005	Check Sequence: 22 101-410-1110-43310	ACH Enabled: No
Vendor:KUNDE 14460	Kunde Co Inc Oak Wilt Control Check Total:	900.00 900.00	12/20/2005	Check Sequence: 23 101-450-5200-44030	ACH Enabled: No
Vendor:LARSON 51108023	LARSON DIESEL SERVICE Breaker - Plow Truck Check Total:	129.07 129.07	12/20/2005	Check Sequence: 24 101-430-3100-44040	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
Vendor:LEOIL	Lake Elmo Oil, Inc.			Check Sequence: 25	ACH Enabled: No
B01203	Bulk Fuel - Public Works	1,162.59	12/20/2005	101-430-3100-42120	
S01203	Fuel - Fire Dept	249.36	12/20/2005	101-420-2220-42120	
	Check Total:	1,411.95			
Vendor:MARONEYS	Maroney's Sanitation, Inc			Check Sequence: 26	ACH Enabled: No
123156	Refuse - City Hall	158.49	12/20/2005	101-410-1940-43840	
123156	Refuse - Public Works	95.89	12/20/2005	101-430-3100-43840	
123156	Refuse - Parks	183.96	12/20/2005	101-450-5200-43840	
	Check Total:	438.34			
Vendor:MCLEOD	McLeod USA			Check Sequence: 27	ACH Enabled: No
3298019	Telephone Service - Well #2	44.40	12/20/2005	601-494-9400-43210	
	Check Total:	44.40			
Vendor:MENARDSO	Menards - Oakdale			Check Sequence: 28	ACH Enabled: No
52164	Light Bulbs - City Hall	11.52	12/20/2005	101-410-1940-42230	
52481	GF Tester, Tape - Fire Dept	17.79	12/20/2005	101-420-2220-42400	
	Check Total:	29.31			
Vendor:METCOU	Metropolitan Council			Check Sequence: 29	ACH Enabled: No
0000813301	Wastewater Charge	942.77	12/20/2005	602-495-9450-43820	
	Check Total:	942.77			
Vendor:MILLEREX	Miller Excavating, Inc.			Check Sequence: 30	ACH Enabled: No
11210	Water Main Break	248.20	12/20/2005	601-494-9400-42270	
11210	Grading Roads	417.50	12/20/2005	101-430-3100-43150	
	Check Total:	665.70			
Vendor:MKCONS	Molly Krakowski Consulting			Check Sequence: 31	ACH Enabled: No
2005-1	Consulting Services - CDBG	10,107.50	12/20/2005	101-410-1910-43013	
	Check Total:	10,107.50			
Vendor:MNCONWAY	Minnesota Conway Fire & Safety			Check Sequence: 32	ACH Enabled: No
344525	Fire Extinguishers Maint.	431.68	12/20/2005	101-410-1940-44010	
	Check Total:	431.68			
Vendor:MNWOMEN	MN Women in City Government			Check Sequence: 33	ACH Enabled: No
2005 Lake Elmo	Membership - Liz Johnson	25.00	12/20/2005	101-410-1110-44330	

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	25.00			
Vendor:MYRONS 395130	Myron's Service Center Fuel Pump Installation - Bldg Dept Truck Check Total:	82.00 82.00	12/20/2005	Check Sequence: 34 101-420-2400-44040	ACH Enabled: No
Vendor:NATREPRO NRL35296	National Reprographics, LLC Comp Trail - Copies Check Total:	247.93 247.93	12/20/2005	Check Sequence: 35 101-410-1910-42030	ACH Enabled: No
Vendor:NORTHTO 0262068631 0562043713	HSBC Business Solutions Axle Strap - Public Works Winch - Public Works Check Total:	9.57 759.63 769.20	12/20/2005 12/20/2005	Check Sequence: 36 101-430-3100-42210 101-430-3100-45800	ACH Enabled: No
Vendor:NOSTPAUL 200511290411 200511300416	City of North St Paul Salt/Sand Mix Salt/Sand Mix Check Total:	1,476.09 2,683.80 4,159.89	12/20/2005 12/20/2005	Check Sequence: 37 101-430-3100-42290 101-430-3100-42290	ACH Enabled: No
Vendor:OAKDALE 1000039700 1000046000	City of Oakdale Water - North Pit Water - South Pit Check Total:	1,179.45 1,912.23 3,091.68	12/20/2005 12/20/2005	Check Sequence: 38 601-494-9400-43820 601-494-9400-43820	ACH Enabled: No
Vendor:ONECALL 5110523	Gopher State One-CallOne Call Concepts, Inc Line Locates Check Total:	138.00 138.00	12/20/2005	Check Sequence: 39 101-430-3100-44300	ACH Enabled: No
Vendor:PELNAR November2005	KathiPelnar Animal Control - Nov 2005 Check Total:	567.11 567.11	12/20/2005	Check Sequence: 40 101-420-2700-43150	ACH Enabled: No
Vendor:PETTYCI 12/15/05 12/15/05 12/15/05 12/15/05 12/15/05	Petty Cash M. Rafferty - Parking Met Council Lock/Chain for Equipment File Folder Tabs - Fire Dept Dinner - Election Judges Code Disk - Bldg Dept	10.00 14.16 7.44 90.00 44.10	12/20/2005 12/20/2005 12/20/2005 12/20/2005 12/20/2005	Check Sequence: 41 101-410-1320-44300 101-410-1940-44040 101-420-2220-42000 101-410-1410-44300 101-420-2400-44350	ACH Enabled: No

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
12/15/05	Oil Change - Bldg Dept Check Total:	35.41 201.11	12/20/2005	101-420-2400-44040	
Vendor: PLUNKETT 851394	Plunkett's Pest Control Extermination Check Total:	59.11 59.11	12/20/2005	Check Sequence: 42 101-410-1940-44010	ACH Enabled: No
Vendor: PRESS 12/06/05 12/12/05	Steven Press Cablecast - Council Meeting Cablecast - Planning Comm. Mtg Check Total:	60.75 54.00 114.75	12/20/2005 12/20/2005	Check Sequence: 43 101-410-1320-43620 101-410-1910-43620	ACH Enabled: No
Vendor: RAFFERTY 12/07/2005 Rotary	Martin Rafferty Mileage - LMC Conference Reimb. - Rotary Membership Check Total:	87.30 125.00 212.30	12/20/2005 12/20/2005	Check Sequence: 44 101-410-1320-43310 101-410-1320-44330	ACH Enabled: No
Vendor: Reserve 20313037	Primey Bowes Reserve Account Postage Check Total:	1,000.00 1,000.00	12/20/2005	Check Sequence: 45 101-410-1320-43220	ACH Enabled: No
Vendor: Rivertwn 50035963	RiverTown Newspaper Group Legal publications - Nov 2005 Check Total:	276.57 276.57	12/20/2005	Check Sequence: 46 101-410-1320-43510	ACH Enabled: No
Vendor: ROBENGST 11/21/05	Robert Engstrom Companies Old Village Master Plan Check Total:	12,500.00 12,500.00	12/20/2005	Check Sequence: 47 803-490-9070-44300	ACH Enabled: No
Vendor: ROGERS 13192	Rogers Printing Services November Newsletter Check Total:	983.00 983.00	12/20/2005	Check Sequence: 48 101-410-1320-43090	ACH Enabled: No
Vendor: RUD 12/5-12/14 12/5-12/14 12/5-12/14	Diane Prince-Rud CloroX, Trash Bags Cleaning - City Hall Cleaning - Fire Hall	28.96 240.00 240.00	12/20/2005 12/20/2005 12/20/2005	Check Sequence: 49 101-410-1940-42110 101-410-1940-44010 101-420-2220-44010	ACH Enabled: No

Invoice No

Description

Amount

Payment Date

Acct Number

Reference

Invoice No	Description	Amount	Payment Date	Acct Number	Reference
	Check Total:	508.96			
Vendor:S&T 01KL3216	S&T Office Products, Inc. Tape Disp., Binders Check Total:	19.68 19.68	12/20/2005	Check Sequence: 50 101-410-1320-42000	ACH Enabled: No
Vendor:SAPELLI 24180629	Satellite Shelters, Inc. Bldg Dept Trailer Rental - Dec05 Check Total:	319.50 319.50	12/20/2005	Check Sequence: 51 101-420-2400-44120	ACH Enabled: No
Vendor:STILLMOT 15740CVW	Stillwater Motors Fuel Assembly - Bldg Dept Check Total:	455.79 455.79	12/20/2005	Check Sequence: 52 101-420-2400-44040	ACH Enabled: No
Vendor:STJOSEPH SI43149	St. Joseph Equipment, Inc. Wiper Blades - Public Works Check Total:	41.41 41.41	12/20/2005	Check Sequence: 53 101-430-3100-42210	ACH Enabled: No
Vendor:TOWER Proj:13403.000	Tower Asphalt, Inc. Hilltop Ave Repairs Check Total:	115,822.71 115,822.71	12/20/2005	Check Sequence: 54 409-480-8000-45300	ACH Enabled: No
Vendor:TRKUTI 0149667 0149686	Truck Utilities Parts for Winch - Public Works Battery Clamps - Bldg Dept Check Total:	86.70 12.78 99.48	12/20/2005 12/20/2005	Check Sequence: 55 101-430-3100-45800 101-420-2400-44040	ACH Enabled: No
Vendor:TWINCIT 2136	Twin City Water Clinic, Inc. Bacteria Analysis - November 2005 Check Total:	20.00 20.00	12/20/2005	Check Sequence: 56 601-494-9400-43030	ACH Enabled: No
Vendor:USBANK 33402400 33402400	US Bank Trust N.A. 2002A G.O. Imp Bond 2002A G.O. Imp Bond Check Total:	30,000.00 5,188.75 35,188.75	12/20/2005 12/20/2005	Check Sequence: 57 312-480-8000-46010 312-480-8000-46110	ACH Enabled: No
Vendor:XCEL 49698959	Xcel Energy Tennis Courts	7.43	12/20/2005	Check Sequence: 58 101-450-5200-43810	ACH Enabled: No

Reference

Acct Number

Amount Payment Date

Description

Invoice No

49709786	11062 34th St	15.18	12/20/2005	602-495-9450-43810	
49717258	3585 Laverne Ave	159.05	12/20/2005	101-450-5200-43810	
49726123	Traffic Lights at 998 Inwood	32.55	12/20/2005	101-430-3160-43810	
49732532	Traffic Lights at Manning/Stillwater	24.04	12/20/2005	101-430-3160-43810	
49740523	3675 Layton Ave	7.43	12/20/2005	101-450-5200-43810	
49980595	4259 Jamaica - Public Works	607.18	12/20/2005	101-430-3100-43810	
49982374	City Hall	527.38	12/20/2005	101-410-1940-43810	
49992708	11194 Upper 33rd	98.60	12/20/2005	101-450-5200-43810	
49997233	Pebble Park	7.43	12/20/2005	101-450-5200-43810	
50018743	3510 Laverne - Fire Hall	484.27	12/20/2005	101-420-2220-43810	
50024156	3511 Laverne - Fire Hall	160.31	12/20/2005	101-420-2220-43810	
50485493	City Lights	1,662.93	12/20/2005	101-430-3160-43810	
50495209	Traffic at 194/Inwood	25.05	12/20/2005	101-430-3160-43810	
50495209	Softball Field	42.63	12/20/2005	101-450-5200-43810	
50495209	8860 Hudson Lift Station	57.14	12/20/2005	602-495-9450-43810	
50611682	Wells at 3303 Langly & 11975 55th St	1,102.43	12/20/2005	601-494-9400-43810	
	Check Total:	5,021.03			

ACH Enabled: No

Check Sequence: 59  
410-480-8000-45200

308.00 12/20/2005  
308.00

Vendor: XCELNSP  
150601  
Xcel Energy  
New Public Works Power Line  
Check Total:

ACH Enabled: No

Check Sequence: 60  
101-430-3100-42150

208.70 12/20/2005  
208.70

Vendor: ZACK  
9657  
Zack's, Inc.  
Towels, Ice melt, supplies  
Check Total:

Total for Check Run: 204,140.30  
Total Number of Checks: 60



4B  
Department of Transportation  
and Physical Development

Donald J. Theisen, P.E.  
Director/County Engineer

Wayne H. Sandberg, P.E.  
Deputy Director/Ass't. County Engineer

RECEIVED  
NOV 30 2005

November 22, 2005

Mr. Martin Rafferty  
City Administrator  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

### TRAIL GROOMING

Dear Mr. Rafferty:

In the past, Washington County has provided ski trail grooming services for the City of Lake Elmo. If the City is interested in this service, please review the enclosed agreement, sign and return to my attention. Once fully executed by the County, I will return a copy to your attention for your files.

Please feel free to call with any questions or concerns, 651-430-4360

Sincerely,

A handwritten signature in cursive script that reads "Cassie Sawacke".

Cassie Sawacke  
Contract Administration

Enc.

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WASHINGTON COUNTY	
CONTRACT NO.	_____
DEPT.	Transportation & Physical Development
DIVISION	Parks
TERM	signature-12/31/06

**COUNTY OF WASHINGTON  
SKI TRAIL GROOMING AGREEMENT**

This agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by and between the County of Washington acting through the Director of Transportation and Physical Development and the Parks Manager, hereinafter referred to as the "County", and the **City of Lake Elmo, 3800 Laverne Avenue North, Lake Elmo, MN 55043** hereinafter referred to as the "Municipality",

WITNESSETH:

WHEREAS, the Municipality is desirous of contracting with the County for the performance of Ski Trail Grooming under the jurisdiction of said Municipality, and

WHEREAS, the County is agreeable to and desirous of rendering such maintenance services on the terms and conditions hereinafter set forth.

NOW THEREFORE, it is mutually agreed between the County and Municipality as follows:

**SECTION I**

The County agrees to provide, through Parks Operations, Ski Trail Grooming (which shall be defined as filling, blading, and leveling of snow) within the Municipality subject to the following conditions:

1. The County will groom the ski trail system as shown on the map labeled Exhibit C.
2. The standards of performance shall be determined by the Parks Manager.
3. The County shall keep a record of labor, materials, and equipment furnished, and prepare an itemized statement of the amount due and submit it monthly to the Municipality.

**SECTION II**

The Municipality agrees to pay the County the cost and expense for performing the Ski Trail Grooming services provided for by this agreement.

1. The Municipality agrees to reimburse the County for County employee wages as outlined on attached Exhibit A. The determination of hours paid and overtime rate shall be in accordance with the current memorandum of agreement with Local 49 of the International Union of Operating Engineers.
2. The Municipality agrees that the rates as outlined in Schedule A for employees may be adjusted at any time within the contract period by an amount equal to that given by the County Board of Commissioners in negotiated contracts with employees' authorized representatives.



## SKI TRAIL GROOMING AGREEMENT - CITY OF LAKE ELMO

3. The Municipality agrees to reimburse the County for County equipment used at the rates outlined on attached Exhibit B. Invoices shall include the time of equipment in going from the place where stationed to the site of work and the return to its station.
4. The Municipality agrees to reimburse the County for any materials provided.
5. Upon receipt of a monthly itemized statement of employee, equipment and material costs, the Municipality agrees to reimburse the County monthly.
6. Except as otherwise specified herein, the Municipality shall not be obligated to, or responsible for, or liable for compensation or indemnity to any County employee performing maintenance services under this agreement to the Municipality for injury or sickness arising out of this employment, and the County agrees to hold harmless the Municipality against any such claim.
7. The Municipality agrees to determine the extent, nature and level of service to be provided on said ski trails.

### SECTION III

The parties hereto, the County and Municipality, agree as follows:

1. The County, its officers, agents and employees shall not assume or be liable for any intentional or negligent act of the Municipality or any officer, agent, or employee of the Municipality, and the Municipality agrees to hold the County, its officers, agents and employees harmless from any intentional or negligent act of the Municipality or any officer agent or employee of the Municipality, and the Municipality agrees to defend the County, its officers, agents or employees from any claim for damages resulting from the negligent or intentional act of the Municipality, or any officer, agent or employee of the Municipality.
2. The Municipality, its officers, agents and employees shall not assume or be liable for any intentional or negligent act of the County or any officer, agent, or employee of the County, and the County agrees to hold the Municipality, its officers, agents and employees harmless from any intentional or negligent act of the County or any officer, agent, or employee of the County, and the County agrees to defend the Municipality, its officers, agents or employees from any claim for damages resulting from the negligent or intentional act of the County, or any officer, agent or employee of the County.
3. This agreement shall be for the period indicated below except that the Municipality or the County may terminate this agreement upon ninety (90) days written notice. The effective date of this agreement is from the date of this agreement to December 1, 2006.

SKI TRAIL GROOMING AGREEMENT – CITY OF LAKE ELMO

IN WITNESS WHEREOF, the Municipality has caused this agreement to be signed by its Mayor and attested to by its City Administrator, and the County has caused this agreement to be signed by the Director of Transportation and Physical Development and the Parks Manager.

**WASHINGTON COUNTY**

**CITY OF LAKE ELMO**

\_\_\_\_\_  
Donald J. Theisen, P.E.                      Date  
Director/County Engineer  
Transportation & Physical Development

\_\_\_\_\_  
Mayor    Date

\_\_\_\_\_  
Michael Polehna                              Date  
Parks Manager

\_\_\_\_\_  
City Administrator                              Date

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<p>Lake Elmo City Council December 20, 2006</p>	<p>Agenda Section: CONSENT AGENDA</p>	<p><u>No 4C.</u></p>
<p><b><u>Agenda Item:</u> Partial Payment No. 1 for Water System Interconnect – Phase III</b></p>		
<p><b><u>Background Information for December 20, 2006:</u></b>          In his memo dated December 16, 2005, the City Engineer reported work is underway on the Water System Interconnect Phase III improvements. Chris Riley is working on the pipe crossing of TH5 and should have this work done in a couple weeks. He is recommending approval of Partial Payment No. 1, in the amount of \$108,941.79 for the Water System Interconnect Phase III Project.</p>		
<p><b><u>Action Items:</u></b>  <b>Motion to adopt Resolution No. 2005-147 A, Resolution approving Partial Payment No. 1 in the amount of \$108,941.79 to Chris Riley Utilities, Inc, as recommended by the City Engineer in his letter dated December 16, 2005.</b></p>	<p><b><u>Person responsible:</u></b>          Tom Prew</p>	
<p><b><u>Attachments:</u></b>          December 16, 2005 Tom Prew Letter          Resolution</p>		

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

**RESOLUTION NO. 2005-147**

**A RESOLUTION APPROVING PARTIAL PAYMENT NO. 1  
TO CHRIS RILEY UTILITIES, INC.  
FOR WATER SYSTEM INTERCONNECT – PHASE III  
(Jamaca Avenue, Stillwater Boulevard and 31<sup>st</sup> Street)**

BE IT RESOLVED, that the Lake Elmo City Council hereby approves Partial Payment No. 1 to Chris Riley Utilities, Inc. in the amount of \$108,941.79 for work improvements to the Water System Interconnect Project – Phase III, verified by the City Engineer in his memo dated December 16, 2005.

ADOPTED by the Lake Elmo City Council the 20th day of December, 2005.

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin Rafferty, City Administrator

December 16, 2005

Honorable Mayor and City Council  
City of Lake Elmo, Minnesota

Re: Partial Payment No. 1  
Water System Interconnect Phase III  
City of Lake Elmo, Minnesota  
TKDA Project No. 13186.000

Dear Mayor and City Council:

Work is underway on Phase III improvements. Pipe has been installed from TH 5 to the Farms of Lake Elmo as agreed to by the contractor. He is working on the pipe crossing of TH 5 and should have that done in a couple of weeks.

**City Council Action Requested**

1. Approve Partial Payment No. 1 in the amount of \$108,941.79.

Sincerely,

Thomas Prew, P.E.  
City Engineer

Enclosures

Proj. No. 13186.000 Cert. No. 1 St. Paul, MN, December 15, 2005  
 To City of Lake Elmo, Minnesota Owner  
 This Certifies that Chris Riley Utilities, Inc., Contractor  
 For Water System Interconnect - Phase III (Jamaca Avenue, Stillwater Boulevard, and 31st Streets)  
 Is entitled to One Hundred Eight Thousand Nine Hundred Forty-One Dollars and 79/100--(\$ 108,941.79 )  
 being 1st estimate for partial payment on contract with you dated September 20, 2005  
 Received payment in full of above Certificate. **TKDA**  
 \_\_\_\_\_  
Chris Riley Utilities, Inc.  
 \_\_\_\_\_, 20\_\_\_\_  
 \_\_\_\_\_  
Thomas D. Prew, P.E.

### RECAPITULATION OF ACCOUNT

	CONTRACT PLUS EXTRAS	PAYMENTS	CREDITS
Contract price plus extras	\$ 612,000.32		
All previous payments		\$ -	
All previous credits			
Extra No.			
" "			
" "			
" "			
Credit No.			\$ -
" "			
" "			
" "			
" "			
<b>AMOUNT OF THIS CERTIFICATE</b>		\$ 108,941.79	
Totals	\$ 612,000.32	\$ 108,941.79	\$ -
Credit Balance			
There will remain unpaid on contract after payment of this Certificate		\$ 503,058.53	
	\$ 612,000.32	\$ 612,000.32	\$ -

WATER SYSTEM INTERCONNECT - PHASE III  
 CITY OF LAKE ELMO, MINNESOTA  
 TKDA PROJECT NO. 13186.000

ITEM NO.	DESCRIPTION	UNIT	CONTRACT QUANTITY	QUANTITY TO DATE	UNIT PRICE	AMOUNT TO DATE
<b>WATERMAIN</b>						
1	MOBILIZATION	LS	1.0	-	\$ 10,000.00	\$ -
2	TRAFFIC CONTROL	LS	1.0	-	\$ 10,000.00	\$ -
3	REMOVE & DISPOSE OF BIT. PAVEMENT	SY	740.0	-	\$ 2.00	\$ -
4	SAW CUT BIT. PAVEMENT	LF	1,451.0	-	\$ 1.00	\$ -
5	PATCH BIT. ROADWAY 4" THICK INCL. GRAVEL BASE	SY	740.0	-	\$ 12.00	\$ -
6	REMOVE & REPLACE D412 CURB & GUTTER	LF	96.0	-	\$ 15.00	\$ -
7	REMOVE & REPLACE D416 CURB & GUTTER	LF	32.0	-	\$ 15.00	\$ -
8	REMOVE & REPLACE B618 CURB & GUTTER	LF	28.0	-	\$ 15.00	\$ -
9	6" AGGREGATE BASE, CLASS 5	TON	139.0	-	\$ 10.00	\$ -
10	SEEDING, INCL. SEED, FERTILIZER & WOOD FIBER BLANKET	SY	1,722.0	-	\$ 2.00	\$ -
11	SODDING TYPE LAWN	SY	1,722.0	-	\$ 3.00	\$ -
12	REMOVAL OF EXISTING GATE VALVE BOX	EA	4.0	-	\$ 500.00	\$ -
13	REMOVAL OF EXISTING WATERMAIN & FITTING	LF	220.0	-	\$ 10.00	\$ -
14	SALVAGE 6" HYDRANT, GATE VALVE & BOX	EA	2.0	-	\$ 1,200.00	\$ -
15	SALVAGE 6" GATE VALVE & BOX	EA	2.0	-	\$ 800.00	\$ -
16	SALVAGE 16"X6" REDUCER	EA	1.0	-	\$ 500.00	\$ -
17	CONNECT TO EXIST. WATERMAIN	EA	9.0	-	\$ 1,000.00	\$ -
18	6" DIP CL-52 WATERMAIN	LF	100.0	20.0	\$ 60.00	\$ 1,200.00
19	8" DIP CL-52 WATERMAIN	LF	185.0	12.0	\$ 48.20	\$ 578.40
20	12" DIP CL-52 WATERMAIN	LF	50.0	30.0	\$ 56.83	\$ 1,704.90
21	16" MJ DIP CL-52 WATERMAIN IN CASING PIPE	LF	175.0	-	\$ 77.66	\$ -
22	DIR. DRILL 12" HDPE SDR 17 (DIP SIZE)	LF	2,000.0	1,603.0	\$ 28.17	\$ 45,156.51
23	DIR. DRILL 16" HDPE SDR 17 (DIP SIZE)	LF	6,025.0	925.0	\$ 40.46	\$ 37,425.50
24	30" STEEL CASING PIPE (AUGERED / JACKED INSTALLATION)	LF	175.0	-	\$ 282.00	\$ -
25	6" RES. SEAT GATE VALVE & BOX	EA	10.0	3.0	\$ 1,442.20	\$ 4,326.60
26	8" RES. SEAT GATE VALVE & BOX	EA	4.0	-	\$ 1,833.24	\$ -
27	12" BUTTERFLY VALVE & BOX	EA	3.0	2.0	\$ 2,815.81	\$ 5,631.62
28	16" BUTTERFLY VALVE & BOX	EA	8.0	1.0	\$ 4,297.74	\$ 4,297.74
29	6" HYDRANT EXTENSION	EA	3.0	-	\$ 697.27	\$ -
30	12" HYDRANT EXTENSION	EA	3.0	-	\$ 1,032.15	\$ -
31	6" HYDRANT	EA	8.0	3.0	\$ 3,618.10	\$ 10,854.30
32	INSTALL SALVAGE 6" HYDRANT, GATE VALVE & BOX	EA	1.0	-	\$ 2,075.00	\$ -
33	MJ DIP COMPACT FITTINGS (AWWA C153 MEASURE)	LB	5,358.0	1,000.0	\$ 3.50	\$ 3,500.00
34	1" TYPE "K" COPPER WATER SERVICE	LF	1,288.0	-	\$ 21.45	\$ -
35	FUSABLE SADDLE W/ 1" CORPORATION STOP	EA	35.0	-	\$ 408.66	\$ -
36	1" CURB STOP BOX	EA	35.0	-	\$ 224.55	\$ -

TOTAL ESTIMATE NO. 1

\$ 114,675.57

TKDA  
Engineers-Architects-Planners

**PERIODICAL ESTIMATE FOR PARTIAL PAYMENTS**

Estimate No. 1 Period Ending December 15, 2005 Page 1 of 1 Proj. No. 13186.000  
Contractor Chris Riley Utilities, Inc. Original Contract Amount \$612,000.32  
Project Water System Interconnect - Phase III (Jamaca Avenue, Stillwater Boulevard, and 31st Streets)  
Location City of Lake Elmo, Minnesota

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Total Contract Work Completed		\$	<u>114,675.57</u>
Total Approved Credits		\$	<u>0.00</u>
Total Approved Extra Work Completed	\$	<u>0.00</u>	
Approved Extra Orders Amount Completed		\$	<u>0.00</u>
Total Amount Earned This Estimate		\$	<u>114,675.57</u>

Less Approved Credits	\$	<u>0.00</u>	
Less <u>5</u> % Retained	\$	<u>5,733.78</u>	
Less Previous Payments	\$	<u>0.00</u>	
Total Deductions		\$	<u>5,733.78</u>
Amount Due This Estimate		\$	<u>108,941.79</u>

Contractor Chris Riley Utilities, Inc.

Date \_\_\_\_\_

Engineer Thomas D. Prew, P.E.

Date December 15, 2005



<b>Lake Elmo City Council 12-20-2005</b>	<b>Agenda Section: FINANCE</b>	<b><u>No.</u> 5A</b>
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**Agenda Item: Finance for the New Pumper/Tanker**

**Background Information for December 20, 2005:**

On October 18, 2005 the City Council approved the purchase of a new fire pumper/ tanker. At the time City Staff was exploring various alternative financing options. The City received lease proposals from two financial institutions as well as one proposal for a G.O Equipment Certificate from Northland Securities.

Attached, please find a Finance Comparison sheet detailing the results of the proposals submitted. Please note lease financing Statutes require annual buy out language and yearly levy requirements. Due to the minimal up front costs, low interest rate and possible future Levy Limit concerns, Staff recommends financing the Pumper/Tanker with G.O. Equipment Certificate.

<b><u>Action Items</u></b> Motion to award Financing the New Pumper/Tanker through the issuance of G.O. Equipment by Northland Securities Inc.	<b><u>Person responsible:</u></b> Tom Bouthilet
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<b><u>Attachments:</u></b> Finance Comparison Sheet G.O. Equipment Certificate Proposal Cal First Leasing Corp Proposal Baystone Formal Proposal	
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**Tom Bouthilet**

**From:** Paul Donna [pdonna@northlandsecurities.com]  
**Sent:** Tuesday, December 13, 2005 10:03 AM  
**To:** Tom Bouthilet  
**Subject:** Equipment Certs  
**Attachments:** Lake Elmo Equip Certs 06.pdf

Tom - Attached please find an updated G.O. Equipment Certificate bond issue structure assuming you require \$444,690 for the purchase of the equipment. For comparison purposes we have assumed the City draws \$176,000 on 5/1/06 and \$268,690 on 10/1/06 for a total of \$444,690. The total borrowing is estimated at \$443,000 which reflects approximately \$2,400 in earnings on the project fund. Also, we have not included the \$7,500 of costs of issuance related to the issuance of the bonds.

A summary of the Equipment Certificate issue is as follows:

Total issue \$443,000  
Estimated Average Interest Rate 3.88%  
Term equals 10 Years  
Total Principal & Interest = \$539,505  
Average Annual Payment = \$53,950  
Total Costs of Issuance = \$7,500

A couple points to consider with a vendor lease as a finance option:

- If levy limits come back, the annual levy for the lease payment is likely to be included in the levy limit calculation.
- The lease financing may require a tax exempt legal opinion. I have budgeted \$3,000 for the legal opinion on the Equipment Certificates.

I hope this information is helpful.

<<Lake Elmo Equip Certs 06.pdf>>

PRD

Paul Donna, Sr. VP  
*Public Finance*

**NORTHLAND SECURITIES, INC.**  
Minneapolis, Minnesota  
800.851.2920 | 612.851.5905  
[pdonna@northlandsecurites.com](mailto:pdonna@northlandsecurites.com)

12/13/2005

Preliminary

**\$443,000.00**

City of Lake Elmo, Minnesota

G.O. Equipment Certificates, Series 2006A | Assumes Private Placement

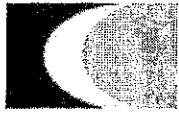
## Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+i	Fiscal Total
02/01/2006	-	-	-	-	-
12/01/2006	40,000.00	3.350%	13,920.42	53,920.42	53,920.42
06/01/2007	-	-	7,682.25	7,682.25	-
12/01/2007	39,000.00	3.450%	7,682.25	46,682.25	54,364.50
06/01/2008	-	-	7,009.50	7,009.50	-
12/01/2008	40,000.00	3.550%	7,009.50	47,009.50	54,019.00
06/01/2009	-	-	6,299.50	6,299.50	-
12/01/2009	41,000.00	3.650%	6,299.50	47,299.50	53,599.00
06/01/2010	-	-	5,551.25	5,551.25	-
12/01/2010	43,000.00	3.750%	5,551.25	48,551.25	54,102.50
06/01/2011	-	-	4,745.00	4,745.00	-
12/01/2011	44,000.00	3.850%	4,745.00	48,745.00	53,490.00
06/01/2012	-	-	3,898.00	3,898.00	-
12/01/2012	46,000.00	3.900%	3,898.00	49,898.00	53,796.00
06/01/2013	-	-	3,001.00	3,001.00	-
12/01/2013	48,000.00	3.950%	3,001.00	51,001.00	54,002.00
06/01/2014	-	-	2,053.00	2,053.00	-
12/01/2014	50,000.00	4.000%	2,053.00	52,053.00	54,106.00
06/01/2015	-	-	1,053.00	1,053.00	-
12/01/2015	52,000.00	4.050%	1,053.00	53,053.00	54,106.00
<b>Total</b>	<b>\$443,000.00</b>	<b>-</b>	<b>\$96,505.42</b>	<b>\$539,505.42</b>	<b>-</b>

### Yield Statistics

Dated	2/01/2006
Delivery Date	2/01/2006
First Coupon Date	12/01/2006
First available call date	
Call Price	-
Bond Year Dollars	\$2,483.17
Average Life	5.605 Years
Average Coupon	3.8863851%
Net Interest Cost (NIC)	3.8863851%
True Interest Cost (TIC)	3.8750195%
Bond Yield for Arbitrage Purposes	3.8750195%
All Inclusive Cost (AIC)	3.8750195%
<b>IRS Form 8038</b>	
Net Interest Cost	3.8863851%
Weighted Average Maturity	5.605 Years

Equipment Certs - 2006 | SINGLE PURPOSE | 12/13/2005 | 9:09 AM



**CalFirst**  
 California First Leasing Corporation  
 A Subsidiary of California First National Bancorp

Thursday, December 08, 2005

Tom Bouthilet  
 City of Lake Elmo  
 3800 Laverne Ave N  
 Lake Elmo, MN 55042-9629

**Re: Municipal Lease/Purchase Proposal**

Dear Tom:

CalFirst Government and Education Group ("CalFirst Gov/Ed Group") is pleased to provide City of Lake Elmo with the following leasing proposal. Please understand that this proposal is expressly subject to the final review and approval of CalFirst Leasing's Finance Committee. Final terms and conditions shall be established pursuant to written lease documentation duly signed by the parties.

**LESSEE:** City of Lake Elmo  
**LESSOR:** CalFirst Government and Education Group  
**LEASED PROPERTY:** Fire Truck  
**\$ AMOUNT FINANCED:** \$445,000.00  
**LEASE COMMENCEMENT:** TBD  
**ISSUE TYPE:** Tax-exempt lease purchase financing, subject to annual appropriation  
**BILLING:** Annual (First payment of \$175,000.00 due upon funding, then June 30, 2006 and annually thereafter )  
**LEASE TYPE:** \$1 Buyout (Purchase equipment for \$1)

<b>TERM:</b>	10 years
<b>INTEREST RATE:</b>	4.56%
<b>1<sup>st</sup> PAYMENT:</b>	\$175,000.00
<b>2<sup>nd</sup> - 10<sup>th</sup> PAYMENTS:</b>	\$36,293.22

**RATE INDEXING:** The quote is subject to credit approval, final documentation and qualification as tax-exempt.

**DOCUMENTATION:** It is anticipated that the transaction will be documented via a lease and related documents provided by Lessor. Included in the documents will be a covenant by Lessee that 100% of the project costs will be considered a capitalizable asset for the term of the lease. This proposal is subject to the negotiation of all-final lease documents and additional documentation, which may be required

**BANK QUALIFIED:** Lessee will designate the Lease/Purchase as a "qualified tax-exempt obligation" within the meaning of Section 265(b)(3) of the IRS Tax Code. The Lessee does not reasonably expect to issue more than \$10,000,000.00 of obligations in the calendar year as Lease/Purchase. Should the bank qualified status of this lease change, Lessor reserves the right to adjust the proposed interest rate.



# BAYSTONE FINANCIAL GROUP

December 9, 2005

## FORMAL PROPOSAL

LESSEE: LAKE ELMO, MN

- ✓ This is a finance/ownership lease. No residual value.
- ✓ Adjustable/Fixed interest rate for the ten (10) year, and fifteen (15) year terms.

EQUIPMENT: ONE ROSENBAUER PUMPER/TANKER

### OPTION 1

Acquisition Cost:	\$ 444,690.00	Term:	Ten (10) Years	First Payment Due:	January 8, 2007
Down Payment:	\$ 0.00	Payment Mode:	Annual	Payment Amount:	\$ 55,353.28
Trade In:	\$ 0.00	Interest Rate:	4.193 %		
Principal Balance:	\$ 444,690.00	Rate Factor:	0.124476		

### OPTION 2

Acquisition Cost:	\$ 444,690.00	Term:	*Fifteen (15) Years	First Payment Due:	January 8, 2007
Down Payment:	\$ 44,469.00	Payment Mode:	Annual	Payment Amount:	\$ 37,857.53
Trade In:	\$ 0.00	Interest Rate:	4.730 %		
Principal Balance:	\$ 400,221.00	Rate Factor:	0.094592		

### ESCROW STRUCTURE

- ✓ Escrow Funding Date: January 8, 2006
- ✓ **No Premature Disbursements from Escrow Allowed.**
- ✓ Escrow Agreement with Lessor's qualified bank.
- ✓ **Funds available only as shown on the following draw schedule.**

Date Available	Total Available
May 1, 2006	\$ 176,000.00
October 1, 2006	\$ 268,690.00
<b>Total:</b>	<b>\$ 444,690.00</b>

- \* Interest Earnings in the Escrow Account have been estimated and used to reduce borrowing cost incurred by the Lessee.
- \* *In the event funding to escrow is delayed beyond January 8, 2006, Lessor reserves the right to adjust and determine a new rate.*
- \* \*5 year fixed rate. After the 5<sup>th</sup> and 10<sup>th</sup> years, at the sole discretion of the Lessor, payments can be adjusted based on the Constant Maturity Index and will remain fixed for the remaining payments.
- \* **This is a proposal only and is not a commitment to finance. This proposal is subject to credit review and approval and proper execution of mutually acceptable documentation.**
- \* Failure to consummate this transaction once credit approval is granted and the lease documents are drafted and delivered to Lessee will result in a documentation fee being assessed to the Lessee.
- \* This transaction must be designated as tax-exempt under Section 103 of the Internal Revenue Code of 1986 as amended.
- \* **LESSEE'S TOTAL AMOUNT OF TAX-EXEMPT DEBT TO BE ISSUED IN THIS CALENDAR YEAR WILL NOT EXCEED THE \$10,000,000 LIMIT.**
- \* There are no additional documentation fees or closing costs due Baystone Financial Group.

<b>BAYSTONE FINANCIAL GROUP</b>  <i>Blake Kaus</i> <i>Vice President</i>	LAKE ELMO, MN
	Signature:
	Typed Name & Title
	Date:

## Manhattan

Chicago \* Phoenix

2312 Anderson Avenue, Manhattan, KS 66502; (800) 752-3562, Fax: (785) 537-4806

E-mail: bkaus@baystone.net

www.baystone.net

<b>Lake Elmo City Council 12-20-2005</b>	<b>Agenda Section: FINANCE</b>	<b><u>No.</u> 5B</b>
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**Agenda Item: Grant Fund Depository Account**

**Background Information for December 20, 2005:**

3M has made a request to set up accounting procedures to track funds & expenditures for the Tablyn Park/Lake Elmo Heights water project. As part of this procedure they asked the City to establish a separate bank depository account in order to isolate grant funds from the other City funds. This account would be used for deposits from 3M only and subsequently transfers to the City's Checking Account. The City will then reimburse all expenditures related to the project from the City's Checking Account and be subject to the normal review and approval process by Staff and City Council.

Attached, please find Resolution No. 2005-146 Authorization to open a Grant Fund Depository Account. The authorized Signatures on the account would be limited to Martin Rafferty, City Administrator & Thomas Bouthilet, Finance Director.

<b><u>Action</u></b> Motion to approve Resolution 2005-146 authorization Grant Fund Depository Account	<b><u>Person responsible:</u></b> Tom Bouthilet
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<b><u>Attachments</u></b> Resolution 2005-146	
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CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-146  
A RESOLUTION ESTABLISHING A DEPOSITORY ACCOUNT  
FOR GRANT FUNDS

WHEREAS, the City of Lake Elmo has received a grant from the 3M Company for the installation of water service to residents in the Tablyn Park/Lake Elmo Heights/31<sup>st</sup> Street areas,

WHEREAS, the 3M Company has requested the City to set up accounting procedures to track funds and expenditures,

WHEREAS, as part of the accounting procedures a separate depository account is requested for the purposes of receiving Grant Funds

WHEREAS, the Lake Elmo City Council designates a separate depository account be established with the Lake Elmo Bank for the sole purpose of receiving Grant Funds and transferring such funds to the City's Checking Account for payment of expenditures towards the specified water project.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that Martin Rafferty, City Administrator and Thomas Bouthilet, Finance Director be Authorized Signatures on this Account.

ADOPTED, by the Lake Elmo City Council on this 20<sup>th</sup> day of December 2005.

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator



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**Monthly Operating Report - Revenue**

As of December 2005	Description	Budget	Amount	Variance
	Current Ad Valorem Taxes	1,923,989	1,782,696	141,293
	Fiscal Disparities	12,838	55,523	-42,685
	Liquor License	9,000	0	9,000
	Wastehauler License	420	100	320
	General Contractor License	175	6,971	-6,796
	Heating Contractor License	1,000	1,010	-10
	Building Permits	176,000	164,579	11,421
	Surcharge	10,154	0	10,154
	Heating Permits	9,000	0	9,000
	Plumbing Permits	7,000	14,288	-7,288
	Sewer Permits	4,000	0	4,000
	Animal License	1,500	1,554	-54
	Utility Permits	1,500	1,965	-465
	Burning Permit	1,200	1,540	-340
	Local Government Aid	1,375	4,794	-3,419
	MSA - Maintenance	0	9,068	-9,068
	State Fire Aid	25,000	52,676	-27,676
	PERA Aid	1,500	1,375	126
	Gravel Tax	4,000	3,063	937
	Recycling Grant	15,000	32,994	-17,994
	Cable Franchise Revenue	0	17,164	-17,164
	Zoning & Subdivision Fees	25,000	30,672	-5,672
	Plan Check Fees	62,000	63,017	-1,017
	Sale of Copies, Books, Maps	1,200	1,280	-80
	Assessment Searches	500	345	155
	Clean Up Days	5,000	5,591	-591
	Cable Operation Reimbursement	1,920	2,407	-487
	Fines	65,000	51,371	13,629
	Miscellaneous Revenue	22,000	8,810	13,190
	Interest Earnings	60,000	58,628	1,372
	Interfund Operating Transfers	64,752	64,752	0
	<b>General Fund Total</b>	<b>2,512,023</b>	<b>2,438,230</b>	<b>73,793</b>
	Water Sales	202,500	217,240	-14,740
	Tower Rent	26,500	30,393	-3,893
	<b>Total Water Enterprise</b>	<b>229,000</b>	<b>247,632</b>	<b>-18,632</b>
	<b>Total Sewer Enterprise Fund</b>	<b>7,020</b>	<b>1,300</b>	<b>5,720</b>
	<b>Total Surface Enterprise Fund</b>	<b>75,000</b>	<b>105</b>	<b>74,895</b>
	<b>Total Report</b>	<b>2,823,043</b>	<b>2,687,267</b>	<b>135,776</b>

**Monthly Operating Report**

As of 12/20/2005 (Period 12)	Budget	Amount	Variance	Comments
<b>Mayor &amp; Council</b>				
Part-time Salaries	12,100	12,100	0	
FICA Contributions	875	750	125	
Medicare Contributions	204	176	29	
Travel Expense	4,000	1,108	2,892	
Miscellaneous	8,500	4,944	3,556	
Dues & Subscriptions	8,000	8,401	-401	Annual League of Mn Cities=5687.00 +Assoc.of Metro Muni= 2634.00
Conferences & Training	5,000	1,724	3,276	
<b>Sub-Total</b>	<b>38,679</b>	<b>29,203</b>	<b>9,476</b>	
<b>Administration</b>				
Full-time Salaries	128,235	116,842	11,393	
PERA Contributions	7,091	5,432	1,659	
FICA Contributions	7,951	7,296	655	
Medicare Contributions	1,859	1,707	152	
Health/Dental Insurance	19,132	16,869	2,263	
Workers Compensation	1,740	1,722	18	Annual Premium Paid
Office Supplies	7,000	5,577	1,423	
Printed Forms	800	519	281	
Newsletter/Website	15,000	16,318	-1,318	Special Newsletter on Water Project / Web Site Redesign
Postage	9,500	9,692	-192	
Travel Expense	4,200	1,342	2,858	
Legal Publishing	6,000	6,513	-513	
Insurance	35,000	30,963	4,037	Annual Premium Paid
Cable Operation Expense	1,200	2,035	-835	Reimbursed by Cable Commission
Miscellaneous	7,200	25,037	-17,837	Code Codification \$12,487 (not Budgeted), Use Tax, Christmas Lights.
Dues & Subscriptions	2,250	2,562	-312	
Books	500	0	500	
Conferences & Training	2,500	452	2,048	
Professional Development	2,000	160	1,840	
Transfer Out	195,032	195,032	0	
<b>Sub-Total</b>	<b>454,190</b>	<b>446,067</b>	<b>8,123</b>	
<b>Elections</b>				
Part-time Salaries	1,100	3,656	-2,556	School Elections- To Be Reimbursed by County
FICA Contributions	68	0	68	
Medicare Contributions	16	0	16	
Office Supplies	50	0	50	
Printed Forms	100	0	100	
Travel Expense	100	0	100	
Miscellaneous	250	692	-442	Lunches/Dinners for Election Judges
Conferences & Training	500	0	500	
Other Equipment	350	340	10	Accuvote Equipment Annual Maint. Paid
<b>Sub-Total</b>	<b>2,534</b>	<b>4688</b>	<b>-2,154</b>	

	Budget	Amount	Variance	Comments
<b>Finance</b>				
Full-time Salaries	61,798	48,561	13,237	
PERA Contributions	3,417	2,647	770	
FICA Contributions	3,831	3,015	816	
Medicare Contributions	896	705	191	
Health/Dental Insurance	7,969	7,511	458	
Workers Compensation	839	830	9	Annual Premium Paid
Office Supplies	700	782	-82	
Printed Forms	809	657	152	
Software Support	8,995	16,604	-7,609	Annual Accounting Software Maintenance Paid (note: incl. support-all Dept.)
Hardware Support	3,701	2,561	1,140	
Software Programs	1,560	0	1,560	
Travel Expense	2,000	66	1,934	
Miscellaneous	700	721	-21	Spec. Assessment Billing By Wash Cty \$450.00
Dues & Subscriptions	100	390	-290	
Books	200	0	200	
Conferences & Training	1,000	245	755	
<b>Sub-Total</b>	<b>98,515</b>	<b>85,297</b>	<b>13,218</b>	
<b>Accounting Services</b>	<b>22,000</b>	<b>26,082</b>	<b>-4,082</b>	New Annual State Reporting requirements
<b>Assessing Services</b>	<b>38,000</b>	<b>34,466</b>	<b>3,535</b>	
<b>City Attorney - Civil</b>	<b>26,000</b>	<b>36,769</b>	<b>-10,769</b>	
<b>City Attorney - Criminal</b>	<b>45,000</b>	<b>42,838</b>	<b>2,162</b>	
<b>Planning &amp; Zoning</b>				
Full-time Salaries	64,631	64,189	442	
PERA Contributions	3,574	5,953	-2,379	
FICA Contributions	4,007	4,008	-1	
Medicare Contributions	937	937	0	
Health/Dental Insurance	7,962	14,059	-6,097	
Workers Compensation	877	868	9	Annual Premium Paid
Office Supplies	500	1,844	-1,344	Comp Plan Materials
Printed Forms	500	685	-185	
Zoning Ordinance Dev - CDBG	5,000	0	5,000	
Cimarron Study - CDBG	24,000	10,534	13,466	
Comprehensive Planning	10,000	71,122	-61,122	Comp Plan Amendment - Expenditure funded by reserves.
Engineering Services	0	0	0	
Travel Expense	2,700	2,963	-263	
Cable Operation Expense	1,200	1,289	-89	
Miscellaneous	200	360	-160	Plotter Repair, Courier Deliveries - Met Council
Dues & Subscriptions	500	990	-490	
Books	200	467	-267	
Conferences & Training	2,000	865	1,135	
<b>Sub-Total</b>	<b>128,788</b>	<b>181,133</b>	<b>-52,345</b>	
<b>Engineering Services</b>	<b>27,861</b>	<b>38,715</b>	<b>-10,854</b>	
<b>Attorney Fees</b>	<b>25,000</b>	<b>1,466</b>	<b>23,534</b>	

Budget	Amount	Variance	Comments
<b>Gov't Building</b>			
Cleaning Supplies	300	333	-33
Building Repair Supplies	500	1,109	-609 Sidewalk Repairs
Telephone	5,100	6,095	-995
Insurance	0	277	-277
Electric Utility	6,500	6,853	-353 Anticipated Electric Rates exceeded Budgeted Estimate
Refuse	2,000	1,276	724
Repairs/Maint Contractual Bldg	10,000	10,790	-790
Repairs/Maint Contractual Eqpt	7,000	4,347	2,653
Miscellaneous	500	830	-330 City Hall Supplies
<b>Sub-Total</b>	<b>31,900</b>	<b>31,909</b>	<b>-9</b>
<b>Law Enforcement Services</b>	<b>327,633</b>	<b>320,090</b>	<b>7,543</b> Reduced by Auto Forfeiture
<b>Fire</b>			
Full-time Salaries	12,999	14,343	-1,344
Part-time Salaries	117,200	114,489	2,711
PERA Contributions	719	2,901	-2,182
FICA Contributions	8,034	7,991	43
Medicare Contributions	1,879	1,869	10
Health/Dental Insurance	1,677	2,151	-474
Workers Compensation	3,580	3,543	37 Annual Premium Paid
Office Supplies	1,000	861	139
Printed Forms	500	34	466
EMS Supplies	1,500	1,390	110
Fire Prevention	4,000	1,671	2,329
Fuel	4,500	3,433	1,067
Equipment Parts	500	1,051	-551
Building Repair Supplies	200	349	-149
Small Tools & Equipment	1,200	1,507	-307
Physicals	4,000	3,668	332
Telephone	3,500	4,621	-1,121
Radio	7,500	3,925	3,575
Internet	700	0	700
Travel Expense	3,000	3,596	-596
Vehicle Insurance	14,850	13,197	1,653 Annual Premium Paid
Electric Utility	5,700	4,870	830 Anticipated Electric Rates exceeded Budgeted Estimate
Repairs/Maint Contractual Bldg	7,000	9,582	-2,582 1673.00 - Locks; 600.00 - Dryer wiring
Repairs/Maint Contractual Eqpt	25,000	34,335	-9,335
Rentals - Building	1,080	1,080	0
Uniforms	9,500	6,031	3,469
Miscellaneous	1,300	19,288	-17,988 17,521 For Fire Survey
Dues & Subscriptions	2,500	2,377	124
Books	200	234	-34
Conferences & Training	15,000	6,859	8,141
Pension Contribution	2,690	2,690	0

	Budget	Amount	Variance	Comments
Fire State Aid	25,000	66,414	-41,414	Offset by State Aid Revenue
Equipment	10,000	6,476	3,524	
Transfer Out	40,000	40,000	0	
<b>Sub-Total</b>	<b>338,008</b>	<b>386,825</b>	<b>-48,817</b>	
<b>Building Inspection</b>				
Full-time Salaries	125,415	113,425	11,990	
PERA Contributions	6,935	5,510	1,425	
FICA Contributions	7,776	7,050	726	
Medicare Contributions	1,819	1,649	170	
Health/Dental Insurance	18,845	17,443	1,402	
Workers Compensation	1,702	1,684	18	Annual Premium Paid
Office Supplies	1,100	388	712	
Printed Forms	1,000	308	692	
Fuel	3,000	322	2,678	
Engineer Serv Utility Permits	2,000	0	2,000	
Plan Review Charges	5,000	0	5,000	
Surcharge Payments	13,500	7,401	6,099	
Telephone	400	428	-28	
Travel Expense	1,000	1,876	-876	
Insurance	1,200	964	236	
Repairs/Maint Contractual Eqpt	500	1,738	-1,238	Bldg Dept Truck Repairs ( Fuel System)
Rentals - Building	4,500	4,154	347	
Uniforms	600	187	413	
Miscellaneous	400	218	182	
Dues & Subscriptions	800	565	235	
Books	300	46	254	
Conferences & Training	2,500	1,435	1,065	
Equipment	0	157	-157	Noise Meter
Transfer Out	5,000	5,000	0	
<b>Sub-Total</b>	<b>205,292</b>	<b>171,945</b>	<b>33,347</b>	
<b>Civil Defense</b>	<b>9,000</b>	<b>9,000</b>	<b>0</b>	
<b>Animal Control</b>				
Printed Forms	250	0	250	
Contract Services	8,800	7,301	1,499	
Impounding	7,000	10,163	-3,163	
Miscellaneous	200	144	56	
<b>Sub-Total</b>	<b>16,250</b>	<b>17,609</b>	<b>-1,359</b>	

	Budget	Amount	Variance	Comments
<b>Public Works</b>				
Full-time Salaries	115,938	87,188	28,750	
Part-time Salaries	5,160	0	5,160	
PERA Contributions	6,697	4,822	1,875	
FICA Contributions	7,508	5,409	2,099	
Medicare Contributions	1,756	1,265	491	
Health/Dental Insurance	21,187	19,611	1,576	
Workers Compensation	6,740	6,670	70	Annual Premium Paid
Office Supplies	300	220	80	
Fuel, Oil and Fluids	12,000	18,028	-6,028	Increased Fuel Prices
Shop Materials	2,500	2,506	-6	
Equipment Parts	5,000	3,536	1,464	
Building Repair Supplies	1,000	68	932	
Street Maintenance Materials	12,000	3,500	8,500	
Landscaping Materials	2,500	7	2,493	
Sign Repair Materials	4,000	5,347	-1,347	
Sand/Salt	25,000	15,426	9,574	
Small Tools & Minor Equipment	1,500	1,869	-369	
Engineering Services	4,000	0	4,000	
Sealcoating & Crack Sealing	35,000	35,000	0	
Contract Services	45,000	37,247	7,753	
Telephone	2,750	1,808	942	
Travel Expense	750	55	695	
Insurance	16,000	9,018	6,982	Annual Premium Paid
Electric Utility	9,300	5,812	3,488	Anticipated Electric Rates exceeded Budgeted Estimate
Refuse	1,300	1,213	87	
Repairs/Maint Contractual Bldg	2,000	1,133	867	
Repairs/Maint Imp Not Bldgs	2,500	29	2,471	
Repairs/Maint Contractual Eqpt	8,000	5,095	2,905	
Uniforms	1,200	1,478	-278	
Miscellaneous	2,500	2,550	-50	
Dues & Subscriptions	500	125	375	
Conferences & Training	500	595	-95	
Clean-up Days	12,000	9,368	2,633	
Other Equipment	7,380	2,662	4,718	
Transfer Out	199,488	199,488	0	
<b>Sub-Total</b>	<b>580,954</b>	<b>488,148</b>	<b>92,806</b>	
<b>Street Lighting</b>	<b>18,000</b>	<b>20,972</b>	<b>-2,972</b>	Anticipated Electric Rates exceeded Budgeted Estimate
<b>Sanitation</b>				
Recycling Supplies	6,000	4,316	1,684	
Newsletter	5,000	0	5,000	
Miscellaneous	7,100	1,045	6,055	
<b>Sub-Total</b>	<b>18,100</b>	<b>5,361</b>	<b>12,739</b>	

	Budget	Amount	Variance	Comments
<b>Parks</b>				
Full-time Salaries	52,660	41,905	10,755	
Part-time Salaries	25,658	15,380	10,278	
PERA Contributions	4,331	2,809	1,522	
FICA Contributions	4,856	3,559	1,297	
Medicare Contributions	1,136	832	304	
Health/Dental Insurance	7,241	7,033	208	
Workers Compensation	2,585	2,558	27	Annual Premium Paid
Office Supplies	250	0	250	
Fuel, Oil and Fluids	2,200	743	1,457	
Shop Materials	500	53	447	
Chemicals	1,000	950	50	
Equipment Parts	4,000	1,495	2,505	
Building Repair Supplies	500	324	176	
Landscaping Materials	5,000	1,388	3,612	
Small Tools & Minor Equipment	1,000	117	883	
Telephone	1,000	684	316	
Travel Expense	0	326	-326	
Insurance	3,500	2,078	1,422	Annual Premium Paid
Electric Utility	7,600	4,524	3,076	
Refuse	2,400	2,208	192	
Repairs/Maint Contractual Bldg	2,000	0	2,000	
Repairs/Maint Imp Not Bldgs	30,000	11,208	18,792	
Repairs/Maint Contractual Eqpt	1,000	1,564	-564	New tires for trailer, repairs to Tractor
Rentals - Buildings	3,000	5,161	-2,161	
Uniforms	200	0	200	
Miscellaneous	200	1,875	-1,675	\$760.00 Property Taxes for 3585 Laverne
Dues & Subscriptions	100	125	-25	
Transfer Out	18,000	18,000	0	
<b>Sub-Total</b>	<b>181,917</b>	<b>126,898</b>	<b>55,019</b>	
<b>Total General Fund</b>	<b>2,633,621</b>	<b>2,437,632</b>	<b>128,140</b>	Current estimated projections should meet General Fund Budget for this- 2005 fiscal year.

	Budget	Amount	Variance	Comments
<b>Water Enterprise Operating</b>				
Full-time Salaries	70,119	87,143	-17,024	Payroll Coding issue- See Surface water utility
PERA Contributions	3,878	4,514	-636	
FICA Contributions	4,347	5,419	-1,072	
Medicare Contributions	1,017	1,267	-250	
Health/Dental Insurance	8,618	11,592	-2,974	
Workers Compensation	2,137	2,115	22	Annual Premium Paid
Office Supplies	200	657	-457	Invoices printed
Printed Forms	1,500	224	1,276	
Chemicals	3,000	1,649	1,351	
Utility System Maintenance	3,000	1,563	1,437	
Water Meters & Supplies	17,500	3,819	13,681	
Small Tools & Minor Equipment	500	150	350	
Engineering Services	8,000	259,145	-251,145	Water System Study/Mapping - \$66,919.00 (To be reclassified into Capital)
Software Support	6,500	1,781	4,719	
Telephone	2,000	1,075	925	
Postage	1,120	0	1,120	
Travel Expense	1,400	922	478	
Insurance	3,433	6,449	-3,016	Annual Premium Paid
Electric Utility	15,806	12,591	3,215	
Water Utility	85,000	75,874	9,126	
Repairs/Maint Imp Not Bldgs	8,000	11,795	-3,795	Water Main Breaks
Miscellaneous	10,000	4,361	5,639	
Conferences & Training	1,020	955	65	
Other Equipment	2,000	1,468	532	
<b>Sub-Total</b>	<b>260,095</b>	<b>496,525</b>	<b>-236,430</b>	
<b>Sewer Operating Enterprise</b>				
Full-time Salaries	11,993	20,604	-8,611	Payroll Coding issue- See Surface Water Utility
PERA Contributions	663	1,063	-400	
FICA Contributions	744	1,282	-538	
Medicare Contributions	174	300	-126	
Health/Dental Insurance	1,401	2,807	-1,406	
Workers Compensation	463	458	5	Annual Premium Paid
Utility System Maint Supplies	500	51	449	
Small Tools & Minor Equipment	500	0	500	
Engineering Services	6,000	1,987	4,013	
Telephone	2,000	1,328	672	
Travel Expense	0	77	-77	
Electric Utility	2,123	788	1,335	
Sewer Utility - Met Council	0	3,518	-3,518	
Repairs/Maint Imp Not Bldgs	4,000	1,802	2,198	
Miscellaneous Expenses	600	0	600	
Conferences & Training	500	0	500	
<b>Sub-Total</b>	<b>31,661</b>	<b>36,066</b>	<b>-4,405</b>	



	Budget	Amount	Variance	Comments
<b>Surface Water Utility</b>				
Full-time Salaries	29,523	0	29,523	Payroll Coding issue- See Sewer & Water Operating Enterprise
PERA Contributions	1,633	0	1,633	
FICA Contributions	1,830	0	1,830	
Medicare Contributions	428	0	428	
Health/Dental Insurance	4,346	0	4,346	
Workers' Compensation	900	891	9	Annual Premium Paid
Office Supplies	500	343	157	
Utility System Maint Supplies	2,500	0	2,500	
Small Tools & Minor Equipment	1,000	71	929	
Engineering Services	10,000	9,260	740	
Erosion Control	5,000	240	4,760	
Software Support	4,000	0	4,000	
Postage	1,110	0	1,110	
Contract Services	2,500	3,382	-882	Excav Work - Miller Excavating
Repairs/Maint Not Bldg	2,500	500	2,000	
Miscellaneous Expenses	750	213	537	
Transfer Out	30,315	0	30,315	
<b>Sub-Total</b>	<b>98,835</b>	<b>14,900</b>	<b>83,935</b>	

<p><u>Mayor</u> Dean Johnston</p> <p><u>Councilmembers</u> Steve DeLapp Liz Johnson Anne Smith Rita Conlin</p>	<p>No. 6.A.</p> <p><b>Agenda Section: New Business</b></p> <p><b>Agenda Item: Planning and Parks Commission Appointments</b></p> <p><b>Date: December 20, 2005</b></p>
--	--

**Background Information for December 20, 2005**

Four Planning Commission terms expire between December 31, 2005 and January 6, 2006. Two of those four commissioners will be brought to you for reappointment at your organizational meeting in January, 2006 because they have served less than two terms. The other two commissioners, Bob Helwig and Kathy Sedro, have already served more than two terms each. These senior commissioners have submitted letters requesting reappointment. We have two applications remaining on file, and both applicants wish to be reconsidered for Planning Commission appointment.

The same situation exists for the Parks Commission where David Steele's term expires on December 31, 2005, and he has served two terms. He has requested reappointment. There are no Parks Commission applications on file, and Commissioner Nalipinski has submitted his resignation effective at the end of this term leaving the Parks Commission short one Alternate Member after reorganization in January.

The Code specifies that commissioners who have served two terms must reapply and be considered among the pool of applicants. The City has advertised openings on our web site and in four newspapers over the last two months, and received no new applications.

In order to be prepared for your organizational meeting in January, staff requests direction at this time.

Attachments: Letters requesting reappointment  
Applications on file  
2005 Planning Commission Attendance Records

Letter requesting reappointment  
Letter of resignation  
2005 Parks Commission Attendance Records

Bob Helwig  
8247 N. 27<sup>th</sup> St.  
Lake Elmo, MN 55042  
December 3, 2005

City Council  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

Dear City Council Members:

I understand that my current term on the Planning Commission is about to expire. This letter is to inform you that I wish to be reappointed to serve another term.

Sincerely,

A handwritten signature in cursive script that reads "Bob Helwig". The signature is written in dark ink and is positioned above the printed name.

Bob Helwig

Kathy Sedro  
8916 35<sup>th</sup> St. N.  
Lake Elmo, MN 55042  
October 23, 2005

Council Members  
City of Lake Elmo  
3800 Laverne Ave. N.  
Lake Elmo, MN 55042

Dear City Council Members:

The purpose of this letter is to request my reappointment as planning commissioner. As you know, there are still many important issues facing our city. I believe that my past planning commission experiences have given me knowledge and insights that will be useful in understanding these future issues. However, I recognize that I serve at the pleasure of the city council.

Respectfully,



Kathy Sedro

City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042  
651.777.5510 Fax 777.9615

APPLICATION FOR PLANNING COMMISSION APPOINTMENTS

RECEIVED

Date: 1/07/03

JAN 7 2003

Name Gloria Knoblauch  
Address 9181-31 St. N.  
Phone Number W) \_\_\_\_\_ H) 777-6471

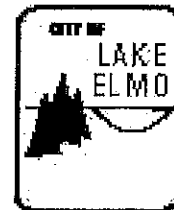
CITY OF LAKE ELMO

1. What do you consider to be the major planning and development issues confronting the City of Lake Elmo? Sewer along Hwy 94 to be used by businesses and zoned accordingly. Building affordable housing for our seniors and young families.
2. What do you see as the role and function of the Planning Commission?  
Advise the city council on zoning and variances.
3. What experience and qualifications do you have that you feel will contribute to the Planning Commission's work and which will enable you to provide a service in this regard?  
I was on the Park's commission for 3 terms ending in Feb. 2000. I regularly attend city council meetings. I belong to the Oakdale-Lake Elmo Historical Society.
4. How much time do you have, or are you willing to devote to Planning Commission activities?  
I need to spend 2 hrs. reading the packet. I like to do research on special topics.
5. What property or development interest, either direct or indirect, do you have within Lake Elmo?  
We own an acre of land (with house) in Friedrichsville

Please complete and return to the City Office

City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, Minnesota 55042  
651.777.5510 Fax 777.9615

RECEIVED  
FEB 25 2005



APPLICATION FOR PLANNING COMMISSION APPOINTMENTS

Date: 2/25/05

Name Nicole R Park  
Address 404 Lake Elmo Ave North  
Phone Number W) 612 240 2876 (T) 612 240 2876

1. What do you consider to be the major planning and development issues confronting the City of Lake Elmo? Making a new comprehensive plan for the old village area and 10th St. South to 94 East.
2. What do you see as the role and function of the Planning Commission?  
To make decisions about all issues brought to the commission with keeping in mind all of the cities residents and their wishes for the city.
3. What experience and qualifications do you have that you feel will contribute to the Planning Commission's work and which will enable you to provide a service in this regard?  
I enjoy working with people and am a good listener. I believe that everyones voice matters. I have a lot of experience working with people.
4. How much time do you have, or are you willing to devote to Planning Commission activities?  
I am able to devote whatever time that is needed to be a strong, valuable member.
5. What property or development interest, either direct or indirect, do you have within Lake Elmo?  
I am part owner of Country Air Golf Park located at 404 Lake Elmo Ave N. in Lake Elmo and my family currently resides on the property.

(B. cont)

Please complete and return to the City Office

at both my small business and five years experience in the Real Estate business. I believe we cannot keep change and progress from happening and so in dealing with it →

3.) we must use caution and think  
through all aspects and issues regarding  
the change with open minds.





November 15, 2005

Lake Elmo City Council  
City of Lake Elmo

Dear Council,

I understand that my appointment to the Lake Elmo Parks Commission will expire on December 31, 2005. I would like to be placed in the pool of applicants and considered for appointment to another three-year term.

Sincerely,

Dr. David F. Steele  
9576 – 55<sup>th</sup> Street North  
Lake Elmo, MN 55042

**Please Note My Mailing Address:**

P.O. Box 9126  
North St. Paul, MN 55109-9126

*The Nalipinski's*  
*The Nalipinski's*

November 2, 2005

City of Lake Elmo  
3800 Laverne Ave North  
Lake Elmo, MN 55042

Dear Honorable Mayor and City Council Members,

My term on the Parks Commission is up December 31, 2005. It is my intention to resign at the end of my term. It has been a pleasure to serve on the Parks Commission

Sincerely,

*Charles Nalipinski*

Charles Nalipinski



**CITY OF LAKE ELMO**

**POLICY/PROCEDURE FOR FILLING COUNCIL AND  
COMMISSION VACANCIES**


**Commission vacancies will be filled using the following procedure:**

1. Interested parties should apply in period set by Council. Application period may be extended as determined by Council.
2. Council will conduct public interviews of candidates, as necessary.
3. Council will select appointee(s) from list of candidates.
4. Depending on the number of candidates, the Council may eliminate applicants through a balloting process. This procedure must be established prior to starting the voting.

**Council vacancies (less than two years) will be filled using the following procedure:**

1. Interested parties should apply in time period set by Council. Application period may be extended as determined by Council.
2. Council will conduct public interview of candidates, as necessary.
3. Council will select appointee(s) from list of candidates.
4. Depending on the number of candidates, the Council may eliminate applicants through a balloting process. This procedure must be established prior to starting the voting.
5. Tie-breaking will be consistent with state laws.

This policy was adopted by the Lake Elmo City Council the 4<sup>th</sup> day of January, 2005.

  
\_\_\_\_\_  
Sharon Lumby, City Clerk

<b>Lake Elmo City Council 12-20-2005</b>	<b>Agenda Section: New Business</b>	<b><u>No.</u> 6B</b>
<b><u>Agenda Item:</u> Mayor Four Year Term</b>		
<b><u>Background Information for June 21, 2005:</u></b>  <p>As you will recall, the city Council asked if staff would research how many statutory cites had four year terms for the position of Mayor. We contacted the League of MN Cities and they had indicated they had not conducted any organized research. They did however have a list of known cities that they new had converted to a four year term for the position of Mayor. Those cities identified are attached the letter from LMC. Also attached was a Clerk's survey response that indicates which of the cities has a two or four year term for Mayor.</p> <p>The issue of a four year term for Mayor was discussed at the FLLP Committee and was suggested to be placed on the Council Agenda for discussion and or action.</p> <p>Also attached is the City Attorney's opinion on how such a change could occur.</p>		
<b><u>Action Items:</u></b> Motion to direct staff action.		<b><u>Person responsible:</u></b> Martin Rafferty City Administrator
<b><u>Attachments:</u></b> LMC Letter/List, City Clerk's survey list of cities responding and the City Attorney's opinion on making such a change.		

**League of Minnesota Cities**

145 University Avenue West, St. Paul, MN 55103-2044

(651) 281-1200 • (800) 925-1122

Fax: (651) 281-1299 • TDD: (651) 281-1290

[www.lmnc.org](http://www.lmnc.org)

November 21, 2005

Marty Rafferty  
City Administrator  
City of Lake Elmo  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

Dear Mr. Rafferty:

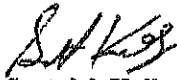
This letter is in response to our recent conversation and your request for information on how many Minnesota Statutory Cities' mayors have four-year terms. Unfortunately, it does not appear the League has not performed a survey on this topic. From the information I could find, and some is quite old, the following are, or at one time were, four-year terms:

- Aitkin
- Apple Valley
- Arden Hills
- Argyle
- Burnsville
- Cottage Grove
- Eden Prairie
- Edina
- Elbow Lake
- Glyndon
- Farmington
- Independence
- Karlstad
- Lexington
- Maple Grove
- Maple Plain
- Oakdale
- Prior Lake
- Rockford
- St. Anthony
- St. Paul Park
- Sartell
- Sauk Centre
- Spring Lake Park
- Woodbury

Hopefully, these materials combined with the material obtained through the listserv will satisfy your needs. The League of Minnesota Cities provides this material for general informational purposes. It is not intended to provide legal advice and should not be used as a substitute for competent legal guidance. Consult your city attorney for advice concerning specific situations.

If you need further information or have any questions, feel free to call me at 651-281-1224. I hope the provided information meets your needs.

Respectfully,



Scott M. Kelly  
Research Attorney  
League of Minnesota Cities

## MAYOR'S TERM

<u>YEAR</u>	<u>CITY</u>
2	New London
4	Aitkin
2	Eyota
2	Fosston
2	Winger
4	Argyle
4	Madison Lake
4	Hendrum (changed in 2002)
2	Lake St. Croix Beach
2	Vesta
	Carver (changing from 2 to 4)
4	Stillwater (not Statutory)
4	Glyndon
2	Parkers Prairie
2	Hoyt Lakes
2	Twin Valley
2	Clara City
2	Underwood
4	Stockton
2	Verndale



John E. Peterson  
Jerome P. Filla  
Michael Witt Fram  
John A. Bergman  
John Michael Miller  
Michael T. Oberle  
Steven H. Bruns\*  
Paul W. Fahning\*  
Cameron S. McLelland  
Andrew P. Muller

PETERSON  
FRAM & BERGMAN  
TRADITIONAL ASSOCIATION

RECEIVED  
JUL 16 2005

chuck  
Suite 300  
50 Fifth St. E.  
St. Paul, MN 55101-1197  
(651) 291-8955  
(651) 228-1753 facsimile  
www.pfb-pa.com

Direct Dial #(651) 290-6907  
jfilla@pfb-pa.com

July 15, 2005

Marty Rafferty  
City Administrator  
City of Lake Elmo  
3800 Laverne Avenue N.  
Lake Elmo, MN 55042

RE: Term of Office  
Mayor

Dear Marty:

The City Council has the authority to adopt an ordinance which establishes a 4 year term of office for the position of mayor (MS 412.022). If the ordinance is adopted at least 4 weeks before the closing date for the filing of Affidavit's of Candidacy in 2006, any person who is elected as mayor in the election of 2006 would start serving a 4 year term on January 1, 2007. Obviously, the City could adopt the ordinance much sooner but it still would not be effective until January 1, 2007.

If you have any questions please contact me.

Very truly yours,



Jerome P. Filla

JPF:cme

<b>Lake Elmo City Council December 20, 2005</b>	<b>Agenda Section: New Business</b>	<u><b>No. 6 C.</b></u>
---	-------------------------------------	------------------------

**Agenda Item: Change Council Committee to Council Workshops**

At the Council meeting on June 14<sup>th</sup> of 2004, a vote to create Council Committees was approved. At the City Council meeting on August 17<sup>th</sup> 2004 Resolution 2004-075 modified the Council Committee structure in the following way: "any member of the City Council present at a committee meeting may sit as a committee member in the absence of a member". The purpose of the change was to assure committee meetings would occur and not be postponed.

Although Council Committees have proven as a valuable learning tool, the FLLP Council Committee and Administrator believe a monthly "Council Workshop" (Council as a Whole) should replace the Council Committee structure. It was suggested that the format of the meeting should remain the same as the current committee structure; as informal, no decisions and educationally oriented.

That the newly scheduled Council Workshops should replace the current committees in time period on a monthly basis.

<b>Action:</b>  A motion to change the current Council Committee structure to a monthly Council Workshop.	<u><b>Person responsible:</b></u>  Martin Rafferty City Administrator
<u><b>Attachments:</b></u>	

<p>Lake Elmo City Council December 20, 2005</p>	<p>Agenda Section: New Business</p>	<p><u>No. 6 D.</u></p>
<p><u>Agenda Item:</u> Animal Control Contract</p>		
<p>The Public Health and Safety Committee asked staff to review the Animal Control contract and report back to City Council with recommendations.</p>		
<p><b>Action:</b>  A motion directing staff to review the Animal Control Contract .</p>	<p><b><u>Person responsible:</u></b>  Martin Rafferty City Administrator</p>	
<p><b><u>Attachments:</u></b></p>		



**"Bringing Arts To The Community"**

December 12, 2005

Mr. Martin Rafferty  
Lake Elmo City Manager  
3800 Laverne Ave. North  
Lake Elmo, MN 55042

Re: Lake Elmer Art Fair

Dear Mr. Rafferty:

Ramsey Center For Arts (RCFA) would like to use Lions Park and the art center space in Lake Elmo for its first fine arts and fine crafts art fair on Saturday, July 29 and Sunday July 30, 2005. The hours would be 10:00 am -- 5:00 pm each day. Complimentary quiet music would be provided during those hours.

Fine artists and fine crafters would be drawn locally and nationally. All art would be juried for quality and suitability for viewing by people of all ages. Artists are entirely responsible for their own insurance, setup and takedown. Artists are responsible for their own sales. Entry fees will be charged.

Tents of standard dimensions would be placed around the art center in Lions Park. The ball field would not be used. A tentative diagram of placements is enclosed as a suggestion. It is anticipated that there will be at least 50 artists.

This time of the year, the summer draw of Lake Elmo, and the nature of fine arts and crafts should make it successful.

This is anticipated to be an annual event

Thank you for your consideration of this proposal.

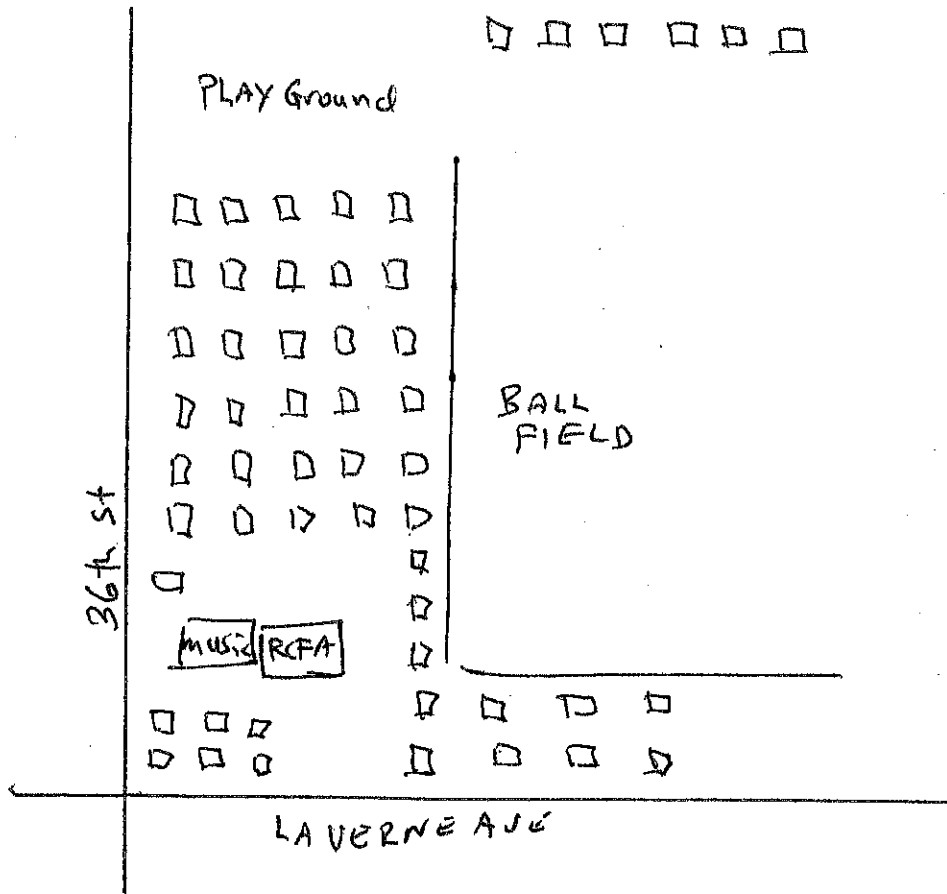
Sincerely,


A handwritten signature in black ink, appearing to read "Robert Meyer", is written over a horizontal line.

Robert Meyer  
Ramsey Center For Arts

Encl.

# Propose layout




<b>Lake Elmo City Council December 20, 2005</b>	<b>Agenda Section: City Engineer's Report</b>	<b>No. 8A(1)</b>
<b><u>Agenda Item:</u> DA Escrow Reduction – Farms of Lake Elmo</b>		
<b><u>Background Information for December 20, 2005:</u></b>  <p>The City Engineer has reviewed the applicant's request for a reduction in the security escrow held by the City for infrastructure improvements on this project. While the City Engineer has recommended a reduction of \$40,000 for the "Landscaping" line item, I am recommending no reduction for that line item pending a report that has been requested of the City Forester. That report may be available by December 20, and, if so, I will modify the reduction recommended for approval accordingly at that time. The original "Landscaping" line item was \$80,000, and will remain at that amount pending the Forester's report. Therefore, the recommended security reduction is from \$1,617,500 to a revised (from the Engineer's Memo) total of \$657,000.</p>		
<b><u>Action items:</u></b> Motion to approve reduction of the required development security for the "Farms of Lake Elmo" Development Agreement to \$675,000 as recommended by the City Engineer and City Planner.	<b><u>Person responsible:</u></b>  City Planner	
<b><u>Attachments:</u></b>	<b><u>Time Allocated:</u></b>	



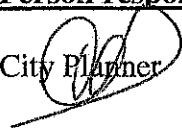
<p>Lake Elmo City Council December 20, 2005</p>	<p>Agenda Section: City Engineer's Report</p>	<p>No. 8A(2)</p>
<p><b>Agenda Item:</b> DA Escrow Reduction – Sanctuary of Lake Elmo</p>		
<p><b><u>Background Information for December 20, 2005:</u></b></p> <p>The City Engineer has reviewed the applicant's request for a reduction in the security escrow held by the City for infrastructure improvements on this project, and recommends a reduction from the original escrow amount of \$2,603,000 to a reduced escrow amount of \$1,797,500.</p>		
<p><b><u>Action items:</u></b> Motion to approve reduction of the required development security for the "Sanctuary of Lake Elmo" Development Agreement to \$1,797,500 as recommended by the City Engineer and City Planner.</p>	<p><b><u>Person responsible:</u></b> City Planner</p>	
<p><b><u>Attachments:</u></b> 1. Engineer's Memo</p>	<p><b><u>Time Allocated:</u></b></p>	





<p>Lake Elmo City Council December 20, 2005</p>	<p>Agenda Section: City Engineer's Report</p>	<p><u>No.</u> 8A(3)</p>
<p><u>Agenda Item:</u> DA Escrow Reduction – Tapestry</p>		
<p><u>Background Information for December 20, 2005:</u></p> <p>The City Engineer has reviewed the applicant's request for a reduction in the security escrow held by the City for infrastructure improvements on this project. The City Forester has also inspected the project site and reports that developer has installed most of the planned trees (and more are coming); and, that the trees planted to date are of the correct species, at or in excess of the planned planted size.</p>		
<p><u>Action items:</u> Motion to approve reduction of the required development security for the "Farms of Lake Elmo" Development Agreement to \$372,500 as recommended by the City Engineer and City Planner.</p>	<p><u>Person responsible:</u> City Planner </p>	
<p><u>Attachments:</u> 1. City Engineer's Memo</p>	<p><u>Time Allocated:</u></p>	



<p>Lake Elmo City Council December 20, 2005</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p>No. 9A</p>
<p><b>Agenda Item:</b> Site Plan Amendment – Country Air Golf</p>		
<p><b><u>Background Information for December 20, 2005:</u></b></p> <p>At its meeting December 12, 2005 the Planning Commission unanimously adopted a Motion to recommend approval of this Site Plan Amendment for Country Air Golf to add an 8 foot heated walkway to the rear (west) side of the tee enclosures that were previously approved for the facility in October, 2005. In addition, the Commission indicated its concurrence with the applicant's proposal to change the roofing material of the tee enclosures (and walkway) from the translucent plastic previously proposed to asphalt shingles. The approval recommendation was subject to the conditions of Council Resolution #2005-107 approving the CUP Amendment and Site Plan for the tee enclosures.</p>		
<p><b><u>Action items:</u></b></p> <p style="text-align: center;">140</p> <p>Motion to adopt Resolution #2005 – approving an amendment to the Site Plan of Country Air Golf to add an 8 foot walkway to the west side of the previously approved tee enclosures; and to substitute asphalt shingles for the roofing previously approved.</p>	<p><b><u>Person responsible:</u></b></p> <p style="text-align: center;">City Planner </p>	
<p><b><u>Attachments:</u></b></p> <p style="text-align: center;">143</p> <ol style="list-style-type: none"> <li>1. Draft Resolution #2005 – Approving Site Plan Amendment</li> <li>2. Draft Planning Commission Minutes of December 12</li> <li>3. Staff Review Memo of December 9, 2005 with Applicant's Documentation</li> </ol>	<p><b><u>Time Allocated:</u></b></p>	

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-142

A RESOLUTION APPROVING A SITE PLAN AMENDMENT  
FOR THE COUNTRY AIR GOLF

WHEREAS, at its December 12<sup>th</sup> meeting, the Lake Elmo Planning Commission reviewed and recommended approval of a Site Plan Amendment for Country Air Golf located at 404 Lake Elmo Avenue,

WHEREAS, at its December 20<sup>th</sup> meeting, the Lake Elmo City Council reviewed the site plan amendment for Country Air Golf to add an 8 foot walkway to the west side of the previously approved tee enclosures,

NOW, THEREFORE, BE IT RESOLVED, that the Lake Elmo City Council approves the amendment to the Country Air Golf Site Plan to add an 8 foot heated walkway to the rear (west) side of the tee enclosures that were previously approved for the facility in October, 2005; and to substitute asphalt shingles for the roofing previously approved, subject to the conditions prescribed by City Council Resolution 2005-107.

ADOPTED BY THE LAKE ELMO CITY COUNCIL on the 20<sup>th</sup> day of  
December, 2005.

---

Dean Johnston, Mayor

ATTEST:

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Martin F. Rafferty, City Administrator

CountryAirGolfSitePlan

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of December 12, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m. COMMISSIONERS PRESENT: Van Zandt, Deziel, Helwig, Roth, Sedro, Ptacek, Fliflet, Schneider, Lyzenga, Pelletier. STAFF PRESENT: Administrator Rafferty, Planner Dillerud, and Recording Secretary Lumby.

**Pledge of Allegiance**

**Agenda**

**5A. Hutton Variance - Note from the Huttons does not meet the 60 day rule.**

M/S/P Roth, Sedro, To accept the Agenda as presented. VOTE: 9-0 .

**Minutes of November 28, 2005**

M/S/P Ptacek, Deziel, To accept the Minutes of November 28, 2005 as presented. VOTE: .  
8-0-1:Abstain - Schneider.

**Site Plan Amendment: Country Air Golf**

The Planner explained that Country Air Golf has requested a modification to add an 8 foot heated walkway to the rear (west) side of the tee enclosures that were previously approved for the faciity in October, 2005. The walkway will not negatively affect the neighborhood.

The applicant provided a colored plan proposal.

The Commission indicated its concurrence with the applicant's proposal to change the roofing material of the tee enclosures (and walkway) from the translucent plastic previously proposed to asphalt shingles.

M/S/P, Roth, Ptacek, To recommend approval of the Site Plan Amendment for Country Air Golf to allow the modification of adding an 8 foot walkway to the wet sdie of the prvioysly approved tee ensoures; and to substitute asphalt shingles for the roofing prviosly approve, as conditioned in the resolution 2005-107. VOTE: 9-0.

**Comprehensive Plan Amendment: Comprehensive Trail Guide Plan**

The Planner explained that the Trail Guide Plan presented is the result of changes recommended by the Planning Commission during their joint workshop with the Parks Commission. The Plan has been refined, legends on maps have been expanded, text has been expanded, and the result is a plan that staff recommends be incorporated into the Comprehensive Plan for 2030.

The City Planner asked the Planing Commission to discuss what they have before them and add any modifications, which will be brought forward to the City Council.

Commissioner Deziel asked if there was anything new on the trail going through the Lake Elmo Park Reserve. The City Planner responded that the Parks Commission has seen this plan and the three trail points at Klondike Avenue, 15<sup>th</sup> Street, Keats Avenue will be permitted.

Commissioner Van Zandt stated the plan shows the trail going up Ideal Avenue and he didn't feel it was wide enough to be safe.

MEMO

(December 9, 2005 for the Meeting of December 12, 2005)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Country Air Golf Tee Enclosures – Site Plan Amendment

---

On October 4, 2005 the City Council adopted a Resolution approving the CUP amendment and Site Plan for the addition of covered tee boxes at Country Air. The project had been on hold for several months awaiting the applicant's submission of plans for the structure certified by a structural engineer.

The applicant has now amended the plan to add an 8 foot deep enclosed and totally weather-tight enclosed walkway behind the covered tee boxes. The walkway would extend from the rear of the tee box enclosure toward the parking lot (west) to a point near the existing split rail fence. The applicant has installed the doors that would lead from the enclosed walkway to the tee boxes already. While not indicated on the plans, the applicant has advised staff verbally that the lap siding will be either wood or "Hardy Board" and stained brown to match the clubhouse structure. We note also that the structure will be roofed with asphalt shingles rather than the translucent panels previously proposed – an improvement in our view. The roof extension over the walkway will slope from a point about 2 feet below the west end of the tee box roof to slightly over 8 feet at the west elevation.

While the use circumstances of the site are not altered by this amendment (hence no need for a CUP action), the structure would be different from that previously approved. The City Code provides no latitude for staff to administratively approve modifications to City Council-approved site plans – as can be done in most cities. Therefore the modified plan is hereby presented to the Planning Commission for its recommendation to the City Council regarding the addition of the walkway.

Staff recommends approval of the Site Plan amendment per plans staff dated December 9, 2005, and subject to the conditions prescribed by City Council Resolution 2005-107.

Attachments:

1. Resolution #2005-107 Approving CUP and Site Plan Amendment – October , 2005
2. Planning Commission Minutes of September 26, 2005
3. Applicant's December, 2005 Plan Amendment

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-107

A RESOLUTION AMENDING CONDITIONAL USE PERMIT NO. 2001-088 GRANTED TO  
COUNTRY AIRE GOLF, LLC.

WHEREAS, on July 23, 1993 the Lake Elmo City Council granted a Conditional Use Permit to Raymond and Jane Salus/Country Aire Golf Driving Range for the purpose of operating a golf driving range on the property described as follows:

Sect-36 TWP 029 Range 021 NW1/4-SW1/4362921 exc the following. Beg at SW cor of SD NW1/4 of SW1/4 & run thence east on south line of SD NW1/4 of SW1/4 16 rods to a pt then north on a line par with W line thereof 10 rods to a pt run thence west on a line par with south line thereof 16 rods to a pt in west lie thereof run thence south along SD West line 10 rods to place of Deg. Exc beg at a pt in W lie of NW1/4 of SW1/4 I SD Sec 36 T29N R21W 36 rods N of SW Cor of SD NW 1/4 of SW1/4 running then E on a line par with S line of SD NW1/4 of SW 1/4 160 ft. to a pt running then N on a line par with W lin of NW 1/4 of SW1/4 90 ft to a pt running then W on a line par with S line of SD NW1/4 of SW1/4 160 ft to W In then S on W line of SD 36 of SD sec 36 90 ft. to place of beg. Exc 3410, described as follows: Sect 36 Twp 029 Range 21 Part NE 1/4-SW1/4 S36T29R21 the N 474.06Ft of NW1/4-SW1/4 of S36 T29 R21 This parcel is Subject to R/W of Lake Elmo Ave N. (AKA as Co Hwy #17)

WHEREAS, said Conditional Use Permit was amended by City Council Resolution 93-19 on May 4, 1993.

WHEREAS, Section 301.070 D.1.b.(4) of the Lake Elmo Municipal Code allows Commercial Recreation of a Rural Nature in the City of Lake Elmo by Conditional Use Permit; and

WHEREAS, on September 24, 2001 the Lake Elmo Planning Commission held a public hearing to consider the request of Raymond and Jane Salus/Country Aire Golf Driving Range for an amendment to the existing conditional use permit to allow the substitution of an eighteen hole practice/training golf course for three hole practice/training golf course.

WHEREAS. The Lake Elmo Planning Commission recommended the City Council approve the amendment to the existing Conditional Use Permit No. 93-19 to permit an eighteen-hole practice/training golf course subject to the following conditions:

1. All conditions of Resolution 93-19 shall remain intact.
2. Only if there is a demonstrated need shall the applicant construct additional off-street parking spaces.
3. The applicant shall obtain a permit or a waiver of permit requirement from the Valley Branch Watershed District.
4. Any additional run-off created by the eighteen-hole range shall be contained on the property.
5. The applicant shall work with Washington County to see if an additional turn lane is necessary for any new proposed parking area.



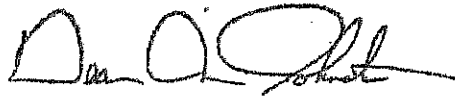
WHEREAS, at its September 26, 2005 meeting, the Planning Commission reviewed and recommended approval of the application to install a driving range tee box enclosures on a portion of the existing driving range tee boxes.

WHEREAS, at its October 4, 2005 meeting, the City Council reviewed the application by Country Aire Golf for an amendment to the Conditional Use Permit and Site Plan of "Country Aire Golf" to install tee box enclosures on a portion of the existing driving range tee boxes as recommended by the Planning Commission and per plans staff-dated September 9, 2005;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, MINNESOTA that an amendment to Conditional Use Permit No. 93-19, 2001-088 for a Golf Driving Range and Eighteen hole Practice/Training Course, to install tee box enclosures on a portion of the existing driving range tee boxes is hereby granted to Country Aire Golf, LLC, on the aforementioned property (described by site plan dated September 9, 2005) is hereby granted subject to the following conditions.

1. Existing road frontage be left in its current rural condition with the addition of conifers such as blue spruce to provide additional screening of business;
2. To be consistent with the rural character, a variance will be granted to allow an unpaved driveway and parking lot;
3. Exterior lighting is prohibited except on the east side of the office, and said lighting shall not reflect off of the property;
4. A sign will be allowed by the entrance with a maximum of 20 sq.ft. using natural colors. Trees and shrubs shall be used to reduce the visibility of the site from residential property across the street;
5. A berm shall be constructed to block the view of the cars and tee positions from residential property across County Road 17.
6. An office 45' x 30', one story is permitted.
7. Parking for a maximum of 35 cars is permitted.
8. Maximum hours of operation are 7 a.m. to Sunset;
9. Two rows of shrubs shall be planted in conifers with 8' x 8' spacing on the north, south, and east sides of the range. Dead trees shall be replaced and trees shall attain an average height of at least 24" in 5 years;
10. The entrance driveway will be in accordance with the recommendation and direction of Washington County;
11. A public address system will not be allowed;
12. No liquor license will be permitted.
13. All conditions of Resolution 93-19 shall remain intact.
14. Only if there is a demonstrated need shall the applicant construct additional off -street parking spaces.
15. The applicant shall obtain a permit or a waiver of permit requirement from the Valley Branch Watershed District.
16. Any additional run-off created by the eighteen-hole range shall be contained on the property.
17. The applicant shall work with Washington County to see if an additional turnlane is necessary for any new proposed parking area.

ADOPTED, this 4th day of October, 2005 by the City Council of the City of Lake Elmo, Washington County, Minnesota.



Dean Johnston, Mayor

ATTEST:

  
Martin J. Rafferty, City Administrator

Country Air Golf Park  
404 Lake Elmo Ave. N.  
Lake Elmo, MN 55042  
( 651) 436-7888

RECEIVED  
DEC 07 2005

Dec., 2005

To: City of Lake Elmo

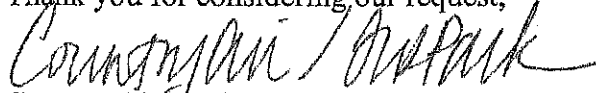
Attn: Chuck Dillerud- City Planner

Dear City of Lake Elmo,

Country Air Golf Park is requesting permission to add an enclosed sidewalk behind the new hitting stalls. This enclosed sidewalk provides two things, a warm waiting area for the customers who are waiting their turn , and also a clean walkway to the stalls that is free from ice and snow in winter and mud in spring.

As you will notice from our drawing, the addition will add character to the existing building as we are splitting the two roof lines and putting in windows.

Thank you for considering our request,

  
Country Air Golf Park

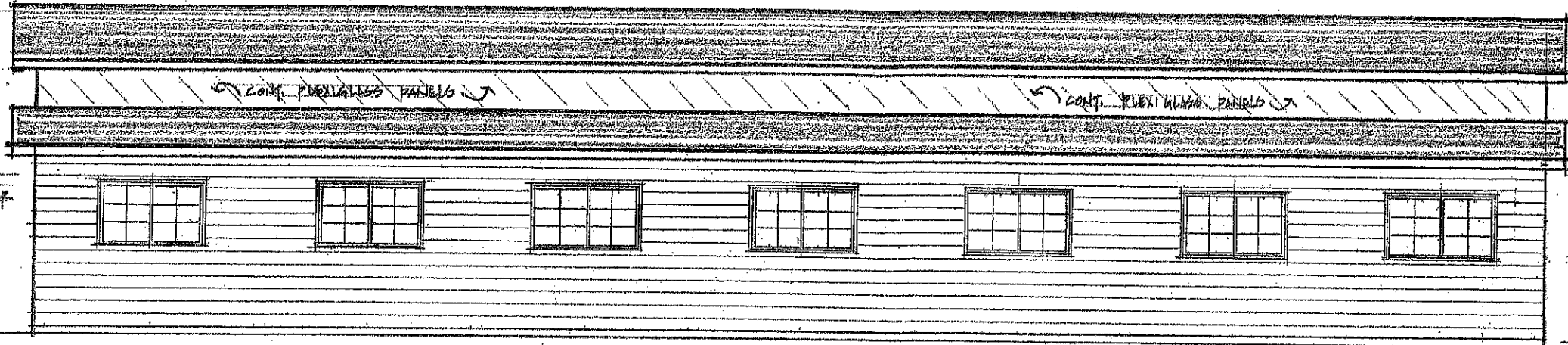


MORGAN JENKINS  
Residential Design, LLC

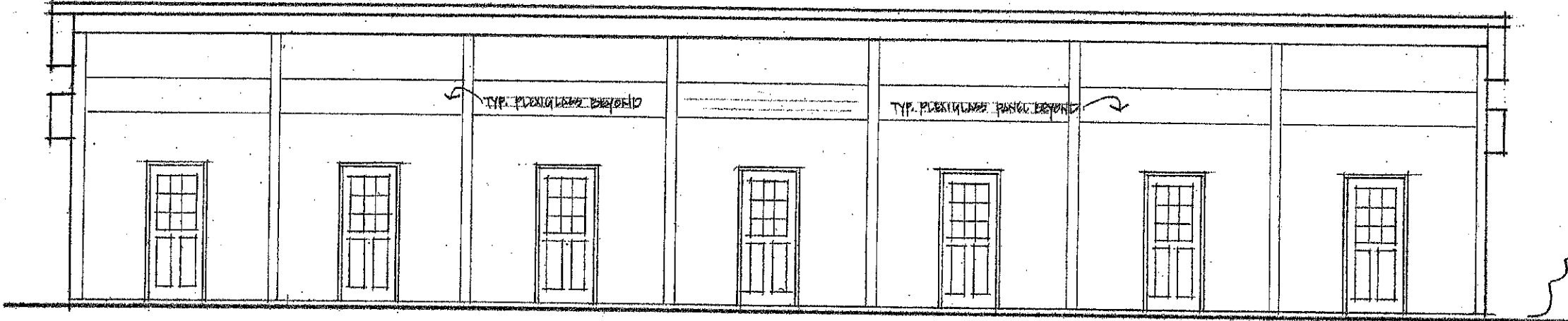
10080  
KINGSBOROUGH COURT  
COTTAGE GROVE  
MN. 55016  
651-261-7081

All ideas, designs, arrangements, plans and specifications submitted or represented by this drawing are owned by and property of Morgan Jenkins Residential Design, LLC, and others as per approved Design agreement. No copy or partial copy of these ideas, designs, arrangements, plans or specifications shall be used without written approval for any purpose. Contract with these plans shall constitute conclusive evidence of acceptance of these restrictions. Written dimensions shall have precedence over scaled dimensions. General contractor and subcontractors shall verify and be responsible for all dimensions and conditions on the job. This office must be notified of any variations from the dimensions and/or conditions shown by these drawings. Where required, shop drawings must be submitted to this office for approval prior to ordering.  
Copyright 2004

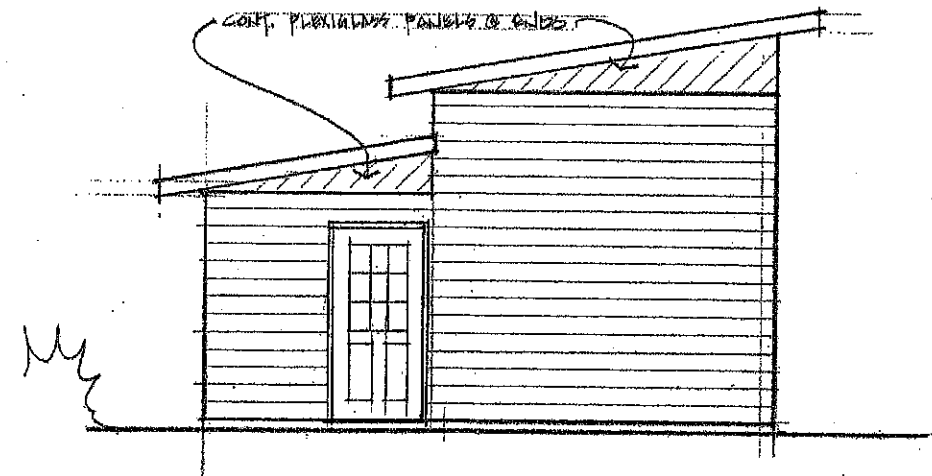
ASPHALT SHINGLES



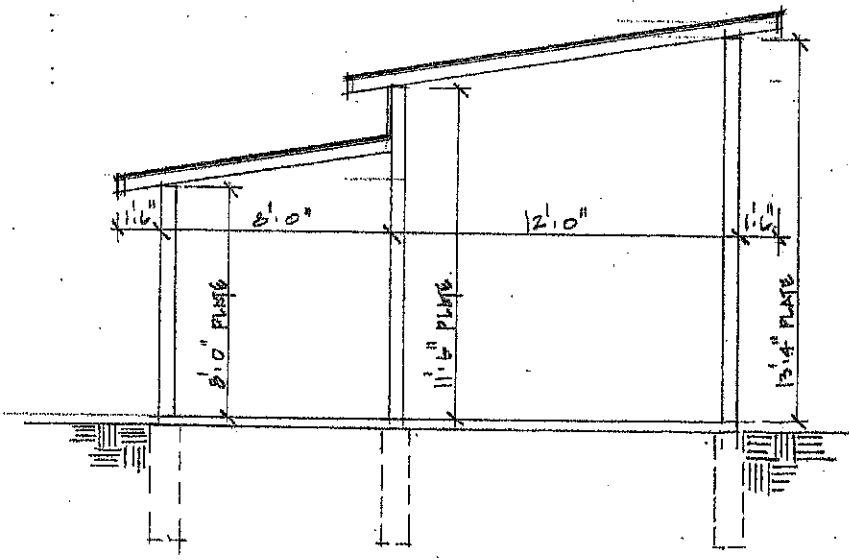
VIEW TO PARKING LOT



VIEW TO RANGE



GABLE END ELEVATION



12/9/05  
ed

REVISION RECORD

1		
2		
3		
4		
5		
6		

PROJ. NO.

SHEET

OF

**SCOPE**

STRUCTURAL DESIGN AND DETAIL OF A GOLF DRIVING RANGE STRUCTURE. ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH THESE DRAWINGS AND STANDARD INDUSTRY PRACTICE.

**NOTES**

1. THESE DOCUMENTS APPLY TO STRUCTURAL ONLY.
2. PROVIDE ADEQUATE FROST PROTECTION FOR ALL FOOTINGS (MINIMUM 42" TO BOTTOM OF FOOTING) U.N.O.
3. ALL DIMENSIONS ARE APPROXIMATE. CONTRACTOR & OWNER ARE TO VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO WORK. CONTACT ENGINEER IF ANY DISCREPANCIES ARISE.

**LOADS**

LIVE LOAD: 35 PSF ROOF (SNOW)  
 DEAD LOAD: 15 PSF ROOF  
 WIND LOAD: 90 MPH EXPOSURE C  
 PER IBC 2000

**CODES**

- A. INTERNATIONAL BUILDING CODE - 2000
- B. STATE OF MINNESOTA BUILDING CODE - 2003
- C. ASCE7 - 1998

**MATERIALS**

CONCRETE: FOOTINGS - 3000 PSI MIN. @ 28 DAYS  
 SLAB - 4000 PSI MIN. @ 28 DAYS  
 AGGREGATE: FOOTINGS - 1 1/2" MAX  
 SLAB - 3/4" MAX  
 REINFORCING: ASTM A615 GR. 60  
 BACKFILL: SANDY/CLAY - GROUP II  
 EQUIVALENT FLUID PRESSURE = 45 PCF/FT  
 WOOD: LVL - E = 2000 KSI, Fb = 2950 PSI  
 FRAMING MEMBERS - SPF#2 OR BETTER  
 UNLESS NOTED OTHERWISE

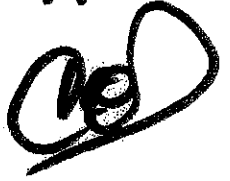
**LEGEND**

- ← = JOIST SPAN DIRECTION
- T.O.W. = TOP OF WALL
- T.O.S. = TOP OF SLAB
- T.O.B. = TOP OF BEAM
- U.N.O. = UNLESS NOTED OTHERWISE
- TYP. = TYPICAL

Country Air Golf Park  
 404 Lake Elmo Avenue North  
 Lake Elmo, MN 55042

Revision	Date	Description

ADDITION PLAN VIEW

9/19/05  


PHASE II

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

Print Name: Craig Oswell

Signed: 

Date: 9/01/05 License Number: 42341

**Ulteigengineers**

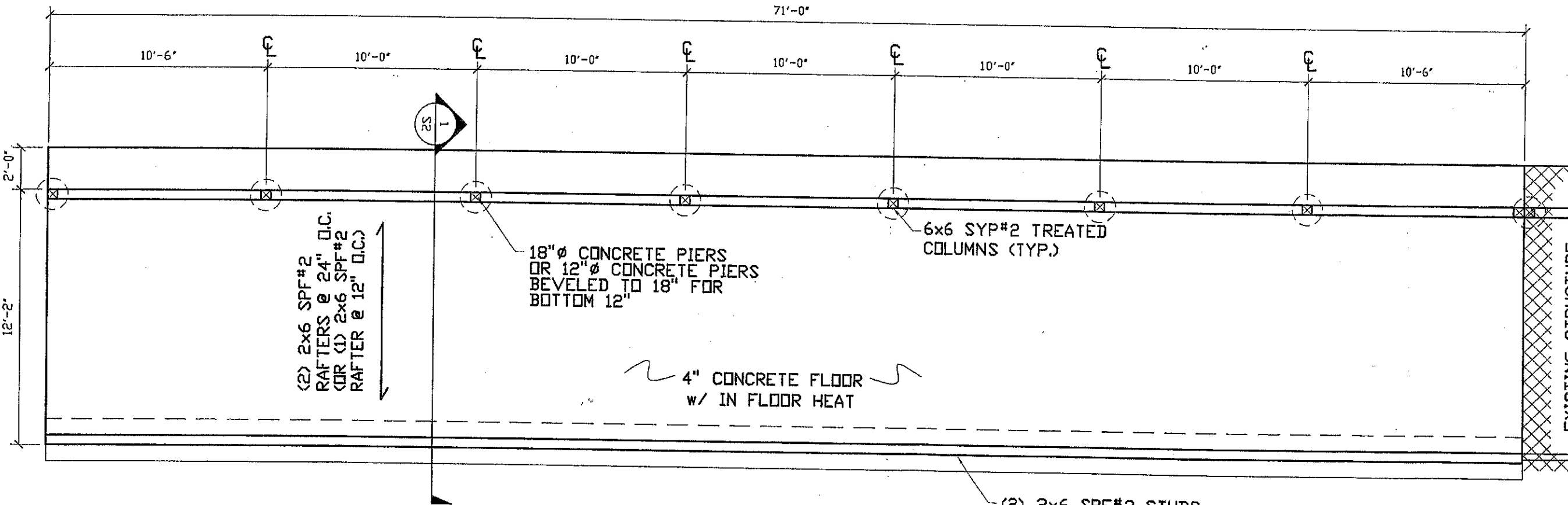
5201 East River Road Suite 308  
 Minneapolis, Minnesota 55421  
 Phone: 763.571.2500 Fax: 763.571.1168  
 Bemarck - Detroit Lakes - Fargo - Minneapolis - Sioux Falls  
 Web: www.ultelg.com

Drawn By: Neil Groon  
 Checked By: Neil Groon  
 Approved By: Craig Oswell

Building Under Construction  
 404 Lake Elmo Avenue North  
 Lake Elmo, MN 55042

Project Number: 205.0591  
 Date: September 1, 2005  
 Sheets: 1 of 3

S1

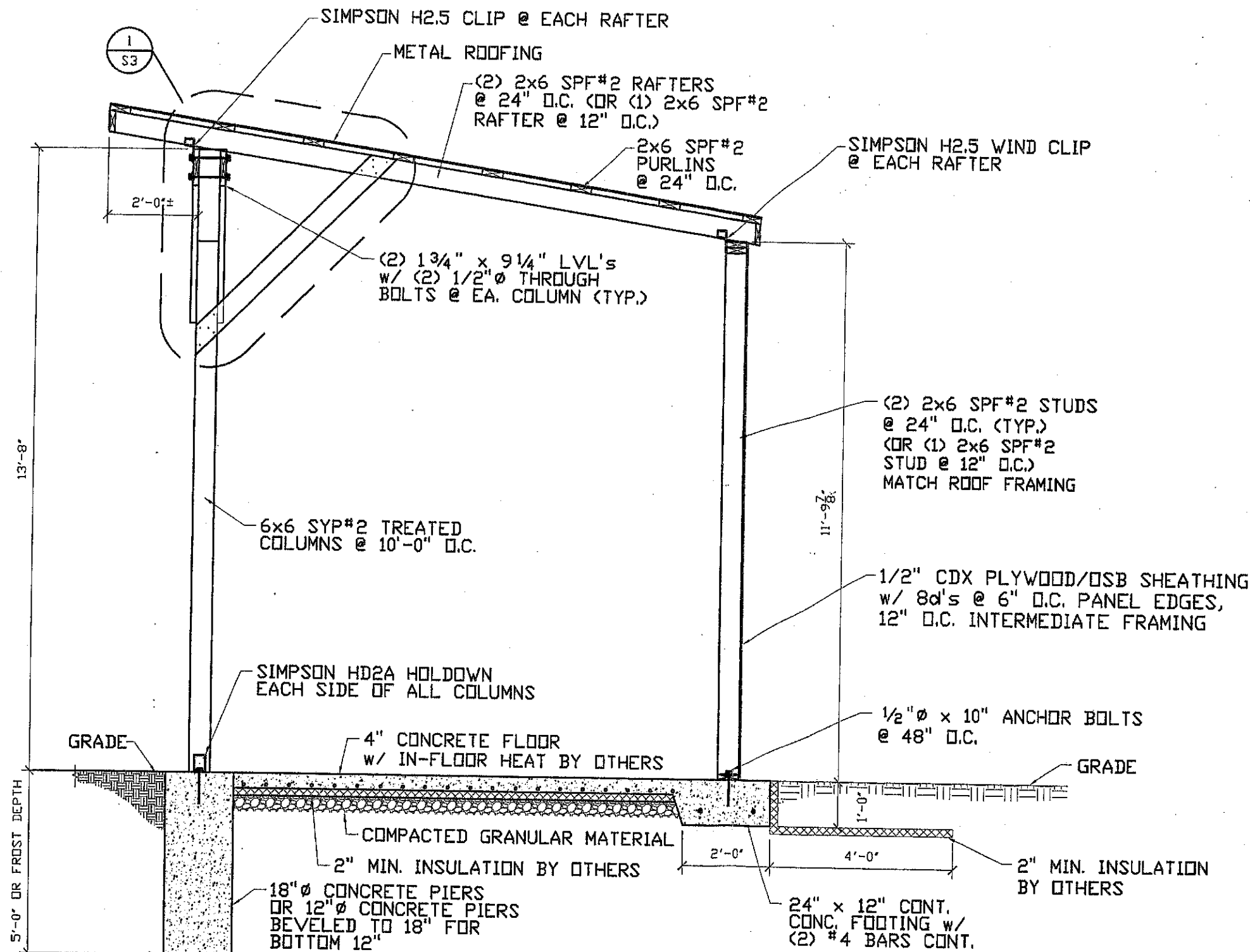


1 BUILDING PLAN  
 S1 SCALE: 3/16" = 1'-0"

Revision	Date	Description

ADDITION CROSS SECTION

9/9/05  
 [Signature]



1 CROSS SECTION  
 S2 SCALE: NOT TO SCALE

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

Print Name: Craig Oswall  
 Signed: [Signature]  
 Date: 9/01/05 License Number: 42341

**Ulteig**engineers

5201 East River Road Suite 308  
 Minneapolis, Minnesota 55421  
 Phone: 763.571.2500 Fax: 763.571.1188  
 Bismack - Detroit Lakes - Fargo - Minneapolis - St. Louis Falls  
 Web: www.ultelig.com

Drawn By: Neil Groon  
 Checked By: Neil Groon  
 Approved By: Craig Oswall

Building Under Construction  
 404 Lake Elmo Avenue North  
 Lake Elmo, MN 55042

Lake Elmo  
City Council  
December 20,  
2005

Agenda Section: Planning, Land Use and Zoning

No. 9B

**Agenda Item:** Comprehensive Plan Amendment – Trails Guide Plan

**Background Information for December 20, 2005:**

On December 12, 2005 the Planning Commission considered the revisions to the Trail Plan prepared by the Park Commission and its consultant (Dated November 29, 2005) and adopted a Motion (7-2, Schneider and Lyzenga opposed) to recommend adoption of the Plan as an element of the Lake Elmo Comprehensive Plan. The Plan had first been presented to the Planning Commission and a Public Hearing conducted by the Commission on July 11, 2005. Work by the Park Commission on the Plan was initiated in mid-2004 responsive to the 2004-2008 Capital Improvements Program, which included the Plan as a work item for 2004.

The two commissioners voting in opposition to the Trail Guide Plan were either opposed to City trails and the Plan in general as being unnecessary; and/or, the Plan being too invasive on property rights – particularly where the Plan suggests a need to convert some existing private (HOA) trails to public trails.


Consideration for adoption of this document as an official Comprehensive Plan element is respectfully requested. A copy of the Plan was transmitted to the Council with the December 12 Planning Commission agenda packet.

**Action items:**

143

Motion to adopt Resolution 2005 – adopting the November 29, 2005 “Comprehensive Trail Guide Plan” as recommended by the Park Commission and the Planning Commission as an element of the Lake Elmo Comprehensive Plan.

**Person responsible:**

City Planner 

**Attachments:**

143

1. Draft Resolution 2005 – Adopting Plan
2. Draft Planning Commission Minutes of December 12
3. Staff Memo of December 8, 2005
4. Park Commission Minutes of November 3, 2005
5. Public Hearing Record of July 11, 2005

**Time Allocated:**

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

**RESOLUTION NO. 2005-143**

**A RESOLUTION ADOPTING THE NOVEMBER 29, 2005  
"COMPREHENSIVE TRAIL GUIDE PLAN"**

**WHEREAS**, the Lake Elmo Parks Commission, following months of work with its consultant (SEH), presented a proposed Trails System Plan to the Planning Commission as a Comprehensive Plan Amendment in July, 2005.

**WHEREAS**, at its July 11, 2005 meeting, the Planning Commission held a public hearing on the proposed Plan Element and at the conclusion of the hearing tabled consideration of the Plan Element pending a workshop with the Parks Commission on August 9, 2005.

**WHEREAS**, following the Hearing and Workshop the Park Commission worked with its consultant (SEH) to address issues raised and directed the consultant to incorporate the modifications in the November 29, 2005, Plan Element.

**WHEREAS**, at its December 12, 2005 meeting, the Planning Commission considered the revisions to the Trail Plan prepared by the Park Commission and its consultant (dated November 29, 2005) and recommended adoption of the Plan as an element of the Lake Elmo Comprehensive Plan.

**WHEREAS**, the November 29, 2005 "Comprehensive Trail Guide Plan" was presented to the City Council on December 20, 2005, as recommended by the Park Commission and the Planning Commission as an element of the Lake Elmo Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council for the City of Lake Elmo does hereby approve and accept the November 29, 2005 "Comprehensive Trail Guide Plan" as an element of the Lake Elmo Comprehensive Plan.

**ADOPTED**, by the Lake Elmo City Council on the 20<sup>th</sup> day of December, 2005.

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

Resol Comp Trail Guide Plan



**Comprehensive Plan Amendment: Comprehensive Trail Guide Plan**

The Planner explained that the Trail Guide Plan presented is the result of changes recommended by the Planning Commission during their joint workshop with the Parks Commission. The Plan has been refined, legends on maps have been expanded, text has been expanded, and the result is a plan that staff recommends be incorporated into the Comprehensive Plan for 2030.

The City Planner asked the Planning Commission to discuss what they have before them and add any modifications, which will be brought forward to the City Council.

Commissioner Deziel asked if there was anything new on the trail going through the Lake Elmo Park Reserve.

The City Planner responded that the County Parks Staff has seen this plan and the three trail points at Klondike Avenue, 15<sup>th</sup> Street, Keats Avenue will be permitted.

Commissioner Van Zandt stated the plan shows the trail going up Ideal Avenue and he didn't feel it was wide enough to be safe.

Commissioner Schneider asked what sort of maintenance would be done by the City.

The Planner responded that an occasional resurfacing, and the day will come that the City would make sure the weeds are controlled on the shoulders. He said the City anticipates plowing some trails in the future and that the trails in the four new developments are being built to be plowed. The City will have to purchase special equipment when we have to plow trails.

Commissioner Schneider asked, referring to Page 35, how will the City control people from going from public trails to private trails.

The Planner said you clearly sign it, "Private Trail". This signage will not keep everyone out, but it would deter most people.

Commissioner Fliflet asked if there is a timeline to connect all trails.

The Planner answered it will take some time, but it will be up to the Parks Commission to develop priorities.

Commissioner Schneider asked how do you keep bikes out of Sunfish Park where the three trails terminate.

Planner Dillerud said it has to be more than just a sign, but the Parks Commission, with the assistance of Mike Bouthilet, will have to make a decision.

Commissioner Fliflet stated the trail users along 50<sup>th</sup> Street N. would use an existing off-road trail and then would have to use a proposed on-road trail in the new Old Village, and Lake Elmo Avenue which passes the elementary school which has cars parked on the street often when there are activities at the school. She would like to see more off-road trails there.

The Planner said the City will try to avoid too many transitions from trails and routes.

M/S/P Roth, Deziel Recommendation to the City Council with the suggestion that the City consider fewer transitions from off-road to on-road trails where possible. Motion passed 6-1-2:Schneider:Abstain – Lyzenga, Ptacek.

Commissioner Schneider asked where was the groundswell support for this trail plan.

**Variance Update: 10941 32<sup>nd</sup> Street North**

The applicants have requested that their application for a variance for the parcel located at 10941 32<sup>nd</sup> Street North be placed "on hold."

M/S/P Deziel, Helwig To take the Hutton application off the table. VOTE 9-0.

The City Planner explained this concept is "on hold" and will not comply to the 60 day rule and he recommended a motion to deny with findings consistent with staff report.

Commissioner Sedro asked what the applicants would have to do differently. Planner answered submit a specific request to waive the 60 day requirement.

Commissioner Deziel agreed based on the vagueness of their letter and the applicants have not showed up at the meeting.

M/S/P Deziel, Roth To recommend denial of the Hutton variance request based on the findings stated in the staff report. VOTE: 9-0.

**Update: Comprehensive Plan Special Meeting Dec. 19, 2005**

The Planner explained the necessity for another Public Hearing for the Comprehensive Plan. He said it was not his intent to open up discussion on the Comprehensive Plan. That hearing will take place on December 19 at 6:00 p.m. until 7 p.m. because the Parks Commission has a meeting at 7 p.m. The Planner handed out materials addressing the proposed amendments.

Planner Dillerud said he will draft a statement reference resolution and concept that does not intend to be a penalty, we will make every effort to comply with it.

Commissioner Sedro asked whether these different clauses behind schedule 2030 remain the same population and recs. The Planner explained wifs are not negotiable. The Planner said if we do not meet our formula, we are required to increase the density and this is what he does not like. Dillerud said Lake Elmo is the first City to be required to do this.

Commissioner Sedro asked if the schedule laid out is severe enough, is it likely we would have to accept developments we don't like. Dillerud answered he didn't think so. He said one advantage we are a high demand area because we are so close to the core city. He said even if the densities are higher, you can tell them to take a hike because there will be another better development behind them.

Commissioner Deziel said 240 rec units a year is a steady pace.

MEMO

(December 8, 2005 for the Meeting of December 12, 2005)

To: Lake Elmo Planning Commission

From: Chuck Dillerud

Subject: Comprehensive Trail Guide Plan

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The Lake Elmo Park Commission, following months of work with its consultant (SEH), presented a proposed Trails System Plan to the Planning Commission as a Comprehensive Plan Amendment in July, 2005. As required by State Statute the Planning Commission conducted a Public Hearing on the proposed Plan Element on July 11, 2005. At the conclusion of the Public Hearing the Planning Commission tabled consideration of the Plan Element pending a Workshop with the Parks Commission. The Workshop was held on August 9, 2005.

Following the Hearing and Workshop the Park Commission has worked with its consultant to address many of the issues raised by the Public and the Planning Commission. Beyond a collection of editorial modifications the Commission directed and the consultant has accomplished the following modifications to the Plan Element Hearing draft which are incorporated in the November 29, 2005 Plan Element draft enclosed herewith:

1. The title of the document has been modified to "Comprehensive Trail Guide Plan" (from "Trails System Master Plan"). The purpose of the modified document name is to communicate that the document is not a "cast in stone" implementation piece, but rather a guide subject to future details as to precise locations etc.
2. The section "What is a Comprehensive Trail Guide Plan?" (Page 4) has been added for similar reasons as #1 above.
3. A section has been added clearly distinguishing "Route" from "Trail" (Page 17) , and the map legends have been modified to that end as well.
4. The Legion Lane route has been moved west to the Legion Avenue (extended) center line and then east (as a trail) to connect with the existing Heritage corridor in response to the issues raised by Legion Lane residents at the Hearing – and elsewhere.
5. Trails through Sunfish Park have been eliminated. Designated trails do terminate at the Park in three locations, but trail character changes at those entrance points (no longer a paved trail) and bikes of any type remain prohibited within the park.
6. The earlier "Draft Trail Plan" maps remain in the Appendix section, but are labeled in the Legends differently to (hopefully) distinguish them from the maps in the Plan main body.
7. Expanded text addressing the Washington County Linear Park Plan and its relationship to the Lake Elmo Comprehensive Trail Guide Plan and the Regional

Trail Corridor linking Big Marine and Lake Elmo Regional Parks has been added.  
(Page 29)

Other modifications were made by the Park Commission from the July draft, but those are the most significant.

On November 21, 2005 the Park Commission completed its review of the consultant's Guide Plan modifications and unanimously adopted a Motion transmitting the Guide Plan back to the Planning Commission for its recommendation to the City Council. I do not believe any of the modifications to the Guide Plan are of a magnitude to cause the need for another Public Hearing. I suggest the Commission send the Guide Plan to the City Council with its recommendation for approval as a Comprehensive Plan Amendment.

**Lake Elmo Park Commission  
Minutes of the Special Meeting  
November 3, 2005**

Chairman Schumacher called the Special Parks Commission meeting to order at 6:00 PM.

COMMISSIONERS PRESENT: Schumacher, Steele, Heroff, Terry Bouthilet, Watters, Larson, Wagner, Ames, Bruchu, and Nalipinski. STAFF PRESENT: City Administrator Rafferty, Public Works Superintendent Mike Bouthilet, Finance Director Tom Bouthilet, and City Planner Dillerud. ALSO PRESENT: Mayor Johnston, Council Member Smith and Trail Plan Consultant Glen VanWormer.

**Agenda**

M/S/P Ames/Nalipinski to approve the Agenda as published. 9:0

**Minutes**

No prior meeting Minutes were presented for approval.

**Trails System Guide Plan**

Consultant VanWormer presented the Commission a revised Plan draft incorporating the revisions that had been previously directed by the Commission. The primary revisions included the following:

1. Elimination of a designated System trail through Sunfish Park.
2. Relocation of the Legion route link from 20<sup>th</sup> Street to 30<sup>th</sup> Street to center on Legion north from 20<sup>th</sup> to the vacant parcel north of 25<sup>th</sup> Street North.
3. Text and map legend clarification of the terms/symbols related to on-road and off-road trails.
4. Text additions related to accommodating the County and Metropolitan Council Regional Trail route from Big Marine Park through Lake Elmo to the Lake Elmo Regional Park Reserve.
5. Additional text clearly describing the purpose and function of a "Trails Guide Plan."

Several Commissioners noted that horses are now permitted at certain times of the year on all public trails and in Sunfish Park. The consultant was advised by Commission consensus to modify Plan text to so specify.

Commissioner Larson asked whether the Plan provides enough means and flexibility to allow the City and neighborhoods to protect private trails where there is a mix of public and private trails within the neighborhood. He suggested that signage and similar means might be required to preserve safety and resident security in those instances.

Mr. VanWormer and the City Planner suggested that sufficient flexibility to address those concerns is implied in the Plan such that detail matters of this nature can be addressed on a case-by-case basis in the future.

Commissioner Steele observed that the words "should", "could", "would" and "will" appear to be used interchangeably in the Plan text. He suggested that the text should be carefully analyzed to assure the proper words are used based on the context of the subject matter addressed.

Commissioner Steele suggested a need to paginate the Appendix of the Plan.

Administrator Rafferty observed that the maps appearing in the Appendix still appeared to conflict with the maps in the Plan. He suggested that as he understood the purpose of the Appendix maps, the

labeling of those maps created confusion. He suggested that the Appendix maps be relabeled in a manner that better distinguishes those maps from the final Plan maps. He suggested that removal of the label strip along the bottom of the maps may solve the problem.

The City Planner also noted that the Land Use Map appearing in the Appendix is now out of date, and the new (2030) Land Use Plan map should be substituted.

Commissioners then advised Mr. Van Wormer of some misspelled names and related editorial corrections that are necessary in the Plan.

M/S/P Steele/Bouthilet to approve the Trails Plan modifications presented by the consultant; direct the Trails Plan consultant and City Staff to complete the Plan modifications noted by the Commission, and transmit the Plan back to the Planning Commission with the sum of those modifications incorporated. VOTE: 9-0.

Mr. Van Wormer then addressed matters of Plan inside and outside Plan review and adoption by the City together with the importance of establishing plan execution priorities.

The City Planner advised that once the Planning Commission has completed its review and recommendation on the Plan in early December, the Park Commission's Plan and any Planning Commission recommendations will be forwarded to the City Council for adoption as a legal element of the City's Comprehensive Plan. Following the City Council's action, the Plan will be distributed to the surrounding governmental units and the Metropolitan Council for comment, as required by State Statute. Once the Metropolitan Council acts to allow the Plan to go into effect, it will become an official part of the City's Comprehensive Plan.

#### **2006-2010 Capital Improvement Program (CIP)**

Public Works Superintendent M. Bouthilet presented the Commission the City Staff recommendation regarding the 2006 – 2010 Capital Improvements Program for parks and trails. Finance Director Tom Bouthilet, Administrator Rafferty, and the City Planner also provided the Commission information regarding the purpose/function of a CIP and the Park Dedication Fund.

Anne Smith, speaking as a resident of the Carriage Station neighborhood, requested the Commission assign a high and immediate priority on the improvements to the Carriage Station Park that have been proposed by the neighborhood. She noted that Carriage Station is the home to a significant population of children that do not have access to a full service neighborhood park without crossing a major roadway.

Commissioners assured Ms. Smith that the Commission would duly consider the Carriage Station Park improvement requests in the context of the capital improvement needs of the entire City park system consistent with their City-wide park responsibilities.

It was the consensus of the Commission that Members should review CIP materials presented by staff and the public, and be prepared to discuss the 2006-2010 Parks/Trails CIP – and complete recommendations to the City Council – at the November 21, 2005 Park Commission meeting.

Seeing no further business before the Commission the Chair adjourned the meeting at 8:00 p.m.

Charles E. Dillerud  
Acting Recording Secretary

**City of Lake Elmo  
Planning Commission Meeting  
Minutes of July 11, 2005**

Chairman Helwig called to order the meeting of the Lake Elmo Planning Commission at 7:00 p.m.  
COMMISSIONERS PRESENT: Van Zandt, Lyzenga, Sedro, Roth, Schneider, Fliflet, and Armstrong (7:04), Deziel (7:08). STAFF PRESENT: Administrator Rafferty, Planner Dillerud, Superintendent Bouthilet, and Recording Secretary Schaffel. ALSO PRESENT: Mayor Johnston, Councilmembers Johnson, Smith and Conlin (7:22).

**Agenda**

M/S/P, Sedro/Lyzenga, to accept the Agenda as presented. VOTE: 7:0.

**Minutes**

M/S/P, Sedro/Lyzenga, to accept the Minutes of June 27, 2005 as presented. VOTE: 7:0.

Commissioner Armstrong arrived at 7:04 p.m.

**PUBLIC HEARING: Amend Comprehensive Plan – Trails System Plan**

The Planner explained that the Planning Commission will review the Trails System Plan for two reasons: staff did not know when the Comprehensive Plan hearing would take place and the Parks Commission spent over one year developing this plan. State Statute requires every Comprehensive Plan Amendment must be heard by the Planning Commission. A Trails System Plan was done several years ago that was not adopted. Numerous changes have occurred since then that have a bearing on the Trails System Plan. The Trails Plan designates links of neighborhoods to destinations. The CIP has had funds for it but no trails were planned. The general corridors have been sited within the Trails System Plan but the actual locations will not be determined until those segments are selected for further consideration and/or construction.

Superintendent Bouthilet said there were two changes to the trail alignments within the Trails Plan as presented that include the segment from 20<sup>th</sup> Street to 30<sup>th</sup> Street along Legion so the trail would not go through the Eden Park neighborhood instead will go up along the right-of-way when that area is developed. Another trail link was removed from Sunfish Lake Park.

Commissioner Deziel arrived at 7:08 p.m.

Commissioner Sedro asked whether the City removed those sections from the Trails Plan and would there be a gap in the trail in those locations. She said that segment should not be on the plan because of bikes going through anyway. She asked if the city is creating an enforcement issue by not including that segment. The Superintendent said they just removed the graphics. The trails are already constructed. He said there are accesses to Sunfish from the parking lot entrance, the trail from Tapestry, the trail from Hamlet on Sunfish, and from the Public Works site. He said there is already an enforcement issue.

Parks Commissioner Larson said he had formatting and editing suggestions including that appendices should be numbered. He suggested adding a paragraph he drafted to identify safety issues.

Commissioner Schneider asked which map was most recent. The map dated April 18, 2005 is most recent.

THE CHAIRMAN OPENED THE PUBLIC HEARING AT 7:21 P.M.

**Linda Bernier**

Ms. Bernier said that based on their comments, staff is not prepared for the meeting. Legion Avenue is not even depicted as a trail on the map; Lisbon was a few months ago. Legion Park is an older,

established development that has no need for bike trails. Lake Elmo Avenue is wide enough and near enough for biking. She said she does not want the trail in a private neighborhood.

**Scott Johnson**

Mr. Johnson said he agrees with Ms. Bernier. He does not need or want a trail in their neighborhood. He said the map does not even show where the trail is proposed.

**Ann Bucheck, 2301 Legion Avenue**

Ms. Bucheck asked for an "off-street" versus "on-street" definition. She told the commission that a petition was presented to the Parks Commission saying she and her neighbors did not want a trail in their neighborhood. New neighborhoods pay for the trail system and expect to move in near one. She said it should be a private trail system or the liability will be on the city. The consultant must not have walked the land in her neighborhood because the east side has drainage ditches and on the west side are wetlands and ultimately a pond. The trail should not go down 20<sup>th</sup> Street next to an archery range. The northern portion drops off considerably. She said it is not a good place for a trail.

**Rolf Larson**

Parks Commissioner Larson explained that the Trails Plan is an open document not written in stone. It might be 15 to 20 years to build it. The plan tries to connect destinations. This is very much a concept, and in developed areas it will be agreeable to neighbors.

**Linda Wagner**

The Parks Commission looked at destinations and where residents wanted to go. Of all the destinations, Sunfish should be a destination. It does not have to be a thoroughfare. That should be a consideration for someone wanting to walk a dog or take a bike ride to have Sunfish as a destination. All the trails that are in Lake Elmo are not yet on the map such as Reid Park and Sunfish Park, she said that those trails could still be added.

**Gay Van Pelt**

Mrs. Van Pelt said her husband rides on his bike all over the City. She said trails on streets are not for kids. Lake Elmo Avenue and Manning Avenue are nice for teens and adults. She said she does not want trails to cut through established neighborhoods. She lives on Lisbon. 5 homes on Legion have setbacks of 35 feet or less. She asked if off-road means snowmobiles.

**Joan Durand**

Ms. Durand said she has a home on 20<sup>th</sup> and Legion Avenue and wants nobody on her property. She is also concerned for liability.

**Don Mattison, 2359 Legion**

Mr. Mattison said they have a water problem in his neighborhood. They have always had a water problem there. He does not want a trail 30+/- feet from his house.

**Marv Kloetzke, 2415 Lisbon Avenue North**

Ms. Kloetzke is concerned for traffic. She is against the trail in her neighborhood.

**Susan Dunn, 11018 Upper 33<sup>rd</sup> Street**

Mrs. Dunn said she is against having a paved trail in Sunfish Lake Park. There should be no thoroughfare through Sunfish Lake Park. It should be preserved and protected from bikes and ATVs.

**Dennis Kelly, 4233 Kindred Way**

Mr. Kelly said there is a major flaw in the concept of the trail system. He said it is all local traffic in his neighborhood. The trail system puts thoroughfares through people's neighborhoods. There should be just a few arteries. Security is a concern for him.



**Tim Mandel, 2479 Lisbon Avenue**

Mr. Mandel said he looked at some of the plans because nobody told him and his neighbors that there were changes. Eden Park 1<sup>st</sup> Addition had a petition they brought forth to the Parks Commission. He said he would like the Planning Commission to make sure the trail segment in his neighborhood is deleted from the plan by making a motion. He said the City residents keep fighting to keep it a rural community. They did not move here for people to be walking through their yards. He said the City should have polled neighborhoods. Oakdale has a sea of privacy fences due to their trail plan. Trails belong in parks. Trails are public and we do not want the public in our backyard. This is not for Lake Elmo. 10 to 15 years ago, people came to the City and said what they wanted for Lake Elmo. None of those things were done except the welcome sign that was put in by the Jaycees.

**Judith Blackford, 9765 45<sup>th</sup> Street North**

Ms. Blackford presented a letter (attached) to the Planning Commission. She said she was willing to answer questions about the Parks Commission recommendation. She was a commissioner for seven years in the past. She wants to preserve the jewel of the community – Sunfish Park. She is concerned for all the feeder trails into Sunfish Park.

**Todd Williams, 3025 Lake Elmo Avenue**

He said he understands the desire for a unified Trails Plan. He thoroughly endorses a walking trail connection from the Old Village to Lake Elmo Park Reserve. He emphasized walking only. The plan should not include additional trails into existing neighborhoods. New neighborhoods would be great. Existing streets can serve as walking and biking trails. No additional trails should be added. He said he uses Sunfish Park all year. The City should restrict access to walking only from other neighborhoods. There should be no paving in Sunfish Park.

**Ann Buccheck, 2301 Legion Avenue**

She said she found out about this meeting on Saturday. This trail system would be a major change to our City.

THE CHAIRMAN CLOSED THE PUBLIC HEARING AT 8:03 P.M.

Superintended Boufhilet explained that the segment on Legion Avenue would be on the road right of way as the trail link.

Commissioner Roth said that he had a hard time identifying new off-road trails.

The Planner suggested that the Legend could have more specificity. He said the Trail System Plan is more than the map on the wall. The trails are basically where they are because they are points of origin and destination links. He said that is a very sound basis for a Trails Plan. LEPR are considering points of entry once we have a Trails Plan. They are in the loop through this process. Washington County will allow limited points of entry. One neighborhood does not want the trail at all no matter where it is. This type of Trails Plan only gets done once every 10 to 20 years.

Chairman Helwig asked if it would be appropriate to have a combined workshop with Parks.

Administrator Rafferty said the Parks Commission worked very hard and with good rationale to formulate the Trails Plan. There are not a lot of trails on specific streets. That is not what the work was about. There is good science here and a good foundation for this plan. The Parks Commission suggested the Planning Commission review it and give direction, it would be expensive to incorporate those changes into the graphics immediately. All the changes should be made at once.

Commissioner Lyzenga thanked the Parks Commission. She said it is a wonderful plan for an urban setting. She said residents in Lake Elmo do not need to be connected or have anyone in their backyard. The Trails Plan is too ambitious and over the top. She said the City should have a limited system connecting major thoroughfares to major destinations. There is no need for this plan; it is not appropriate. Lake Elmo Planning Commission Meeting Minutes of July 11, 2005

No need to spend money on it. OP neighborhoods put in trails to move kids to the neighbor's house. This is not what the City wants or needs. She said too much time and money have already been put into this Trails Plan, and we should stop before more is spent, and not put it into the Comprehensive Plan. We do not need to do this now.

Commissioner Van Zandt said he disagreed. He said he got terribly excited about the Trails Plan because gas is expensive, there are front porches again, and people are on bicycles again. The Trails Plan is for people who live here to use it. This is a plan for twenty years from now. He said we have serenity on the lakes, and the beauty is here due to efforts by past Parks, Planning Commissions and City Councils. He said this plan helps to rebuild neighborhoods and it is a plan for the future. He said he lives on Hidden Bay Trail, and he cannot ride a bike there. He has to drive his 14 year old to a safe bike trail before he can ride his bicycle.

Commissioner Armstrong said our number one goal is to preserve privacy. He thanked Parks for a comprehensive and thorough job. He said the Draft Plan scares him due to the level of detail. He said it was not researched enough. The plan should incorporate existing on street routes only when in existing neighborhoods. He said we should not be acquiring private trail systems in OP developments. He said it is a bad idea to evaluate the off-street private trails for implementation onto the Trails System. He said the off-road trail depicted on 15<sup>th</sup> Street and on Co. 13 would be an incredible waste of money. He asked to Table the Trails System Plan for a joint meeting with the Parks Commission.

M/S/P, Armstrong/Schneider, To table the Trails System Plan. VOTE: 8:1

Commissioner Deziel said there is no plan at all for motorized vehicles on our trails.

Commissioner Fliflet thinks a workshop is in order due to the money involved in preparing the drafts.. She asked the audience if they are still opposed to the changed trail in the Eden Park neighborhood. Fliflet, money involved in preparing the drafts.

Chairman Helwig asked about handicapped access for these trails.

Commissioner Deziel asked about dead end points of some of the trails. He expressed concern for trails on streets when high speed on our streets would be difficult to navigate safely.

Staff will bring the request for a joint workshop to the Parks Commission.

### **Section 520 Site Plan – Link Recreational, 9200 Hudson Boulevard**

#### **Kurt Dvorak**

Mr. Dvorak submitted a new site plan and said the new plan defines the way the site will be used behind the structures.. He said that drainage goes through rear of the lot and they will not disturb that land, and that existing screening will remain.

Commissioner Schneider asked about access control.

Mr. Dvorak said there will be a swinging gate in the back. The sliding gate in the front area keeps the general public from driving into the Service Area and protects boats in for service. There are a series of gates that provide screening on the parking lot and again behind the buildings.. He said he will comply with Watershed drainage issues and the lighting ordinance.

Chairman Helwig polled commissioners as to whether any additional recommendations would be required beyond those that had previously been adopted by the Commission regarding this site plan. It appeared to be the consensus of commissioners that no further Commission action was required.

The Chairman recessed for ten minutes and reconvened the meeting at 8:33 p.m.

Lake Elmo  
City Council  
December 20,  
2005

Agenda Section: Planning, Land Use and Zoning

No. 9C

**Agenda Item:** 2030 Comprehensive Plan Amendments

**Background Information for December 20, 2005:**

In September the City submitted its 2030 Comprehensive Plan to the Metropolitan Council as substantially modified from earlier versions by the Memorandum of Agreement between the City and the Metropolitan Council. A Public Hearing had been conducted by the Planning Commission regarding the modified Plan and the City Council had adopted the Plan, subject to Metropolitan Council review and endorsement.

On September 28, 2005 the City received a letter from the Metropolitan Council staff requesting the City to submit certain modifications and factual/technical corrections/amplifications to the Plan. The factual/technical materials have been submitted (and do not require a Hearing) but the two significant modifications to the Plan requested by the Metropolitan Council do require a new Hearing which was Noticed for 6:00 PM to 7:00 PM, December 19, 2005. I have attached the referenced September letter from the Metropolitan Council and the Hearing Draft of the two modifications that are to be considered at the Hearing, as follow:

1. Replacement text for the second to last paragraph on Page III-11 addressing future remedial actions by the City responsive to Metropolitan Council Resolution #2005-20. (the METC Resolution is attached to the September letter). That Resolution would then be included in the Appendix to the Plan.
2. Text regarding the Village Area Plan, as prepared by the City's Village Area Plan consultant, that would be inserted following Page III-9 of the Plan.

Staff will report the Council as to the outcome (if any) of the December 19 Hearing and subsequent Planning Commissions recommendations regarding those modifications. A Draft Resolution has been attached that is structured presuming that the Commission recommends affirmatively on the modifications, and the Council concurs.

**Action items:**

Motion to adopt Resolution #2005-<sup>145</sup> amending the 2030 Comprehensive Plan regarding the Village Area, and regarding City compliance with Metropolitan Council Resolution #2005-20.

**Person responsible:**

City Planner 

**Attachments:**

1. Draft Resolution 2005-145
2. Hearing Drafts
3. September, 2005 Metropolitan Council Letter to City

**Time Allocated:**

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

**RESOLUTION NO. 2005-145  
A RESOLUTION AMENDING THE 2030 COMPREHENSIVE PLAN**

**WHEREAS**, in September, 2005, the City of Lake Elmo submitted its 2030 Comprehensive Plan to the Metropolitan Council as substantially modified from earlier versions by the Memorandum of Agreement between Lake Elmo and the Metropolitan Council.

**WHEREAS**, at its August 8<sup>th</sup> meeting, the Lake Elmo Planning Commission held a public hearing regarding the modified Plan and the City Council had adopted the Plan, subject to Metropolitan Council review and endorsement.

**WHEREAS**, on September 28, 2005, Lake Elmo received a letter from the Metropolitan Council staff requesting the City to submit certain modifications and factual/technical corrections/amplifications to the Plan.

**WHEREAS**, at its December 19<sup>th</sup> meeting, the Planning Commission held a new Hearing on the two modifications to the Plan.

**WHEREAS**, at its December 20<sup>th</sup> meeting, the Lake Elmo City Council reviewed the two plan modifications as follows:

1. Replacement text for the second to last paragraph on Page 111-11 addressing future remedial actions by the City responsive to Metropolitan Council Resolution No. 2005-20.
2. Text regarding the Village Area Plan, as prepared by the City's Village Area Plan consultant, that would be inserted following Page 111-9 of the Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council for the City of Lake Elmo does hereby approve amending the 2030 Comprehensive Plan regarding the Village Area and regarding compliance with Metropolitan Council Resolution No. 2005-20.

**ADOPTED**, by the Lake Elmo City Council on the 20<sup>th</sup> day of December, 2005.

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

#1

Should the periodic review reveal the City has not attained the projected population and the projected use of REC units, the City will implement the remedial measures outlined by Metropolitan Council Resolution 2005-20 in a manner which is proportional to the shortfall. In no case, however, will the implementation of those remedial measures result in year 2030 projections of sewerred dwelling units, sewerred employment, total dwelling units or population in excess of those agreed to by the City and the Metropolitan Council by the 2005 Memorandum of Understanding between the City and the metropolitan Council.

#2

## Lake Elmo Old Village Master Plan

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### **Section One – Introduction**

#### Background:

In the summer of 2005, the City of Lake Elmo retained a team led by Robert Engstrom Companies to prepare a master plan to guide anticipated development in and around the historic Old Village. Fresh from an agreement with the Metropolitan Council, the City focused on the need to preserve the character of the Old Village as it prepared to accept 440 units of new housing, with a bonus system to allow an increase to 600 units. With the extension of sanitary sewer into the Old Village as part of the agreement with Met Council, it became apparent that the amount of land poised for new housing could – if improperly developed – dramatically alter the landscape of the Old Village, forever compromising its unique scale and charm.

The design team, which also included Jerry Mazzara of Design Forum and Bob Close and Bruce Jacobson of Close Landscape Architecture, was charged with two areas of focus – 1) to prepare a physical plan with associated guidelines and 2) to provide a strategy for determining the number of units that should be allotted to each land owner/developer. This two-pronged approach, the City posited, could conceivably unite developer and City interests, resulting in a development pattern that would relate to – and strengthen – the community character.

Political Context:

The City of Lake Elmo, including the Council, Planning Commission, Parks Commission and Staff, has maintained firm resolve about controlling new development in their community. The directive that resulted from the Metropolitan Council's 2030 Regional Development Framework, which projects an additional million residents in the seven county area over the next two decades, was for each suburban community to shoulder a portion of the development burden. Much of the focus in Lake Elmo was along the Interstate 94 corridor, which borders the south edge of the City.

Following a period of disagreement about the amount and type of development the City should accept and where it should occur, the Met Council and City reached accord. With the political issues behind them, the City shifted its focus to the important issue of how development should behave to reinforce the qualities that make Lake Elmo a distinctive village.

### Physical Context:

Located east of downtown Saint Paul, Lake Elmo is a surprisingly rural community. Like European towns, the edges of the Old Village are clearly defined; one can literally walk into a cornfield from the outfield of the local ball diamond – a real-life example from *Field of Dreams* and a highly unusual model in the suburban metropolitan area. The town includes a small historic Main Street – not glamorous but containing several lovely buildings and an intimate scale.

Highway 5, also known as Stillwater Boulevard, is currently under state auspices and runs east-west through the community, connecting to Stillwater to the east and Interstate 694 to the west. The highway has a rural section, with ditches, culverts and large setbacks to buildings. Approximately 12,000 cars traverse the road a day, most coming during the morning and evening rush hours. The City has expressed interest in having the roadway turned over from the State to the City. There are no signalized intersections or stop signs on Highway 5 in the Old Village, only stop signs from side streets. Crossing during rush hours can be extremely difficult.

County Road 17, Lake Elmo Avenue, runs north-south through the heart of the Old Village (it is the historic Main Street), linking north to Highway 36 and south to the I-94 frontage road. The road jogs about a block to the east at Highway 5, which is both confusing and – during rush hours – hard to negotiate.

County Road 15, Manning Trail, runs north-south on the east side of the Old Village, connecting Stillwater Boulevard to I-94. This is a preferred route for many commuters; others choose to go through the Old Village to link up to I-694.

Two significant lakes and associated parks contribute to the quality of life in the Old Village: Lake Elmo and Lake Elmo Regional Park are located on the southwest side of the community, and Sunfish Lake and Sunfish Lake Park are to the west; both are beautiful amenities for community residents and other visitors.

The Lake Elmo airport is immediately east of Manning Trail. Primarily a recreational facility, the flight paths may affect possible development sites on the east side of town. Likewise, a stormwater management plan has been developed for the City, which suggests the need for more aggressive treatment with wetlands or ponds. There may be conflicts between the airport needs and stormwater requirements.

A number of new developments lie on the outskirts of the Old Village. In virtually all of them, the City's OP zoning designation guided site design, so major portions of the developments are retained as open space. Trails, existing and proposed, are planned to connect to several of the neighborhoods



## **Section 2 – The Master Plan**

### Overview and Objectives

The Old Village Master Plan focuses on downtown Lake Elmo and undeveloped land immediately surrounding it. The plan addresses existing and future land use, location and character of new roads, locations for new parks and open spaces, and stormwater management strategies. Supporting the plan are architectural and site guidelines, which may form the basis of an overlay zoning district, should the City choose to implement one. Form-based zoning, which speaks more to urban form with mixed land uses, may be much more appropriate than traditional zoning in the Old Village.

The primary objective of this plan is to create a blueprint for growth that builds on existing community strengths such as the compact, walkable core and easy access to recreation. The plan recommends locating new neighborhoods in close proximity to the existing core and emphasizing walking connections between neighborhoods and the core and the neighborhoods themselves.

The Master Plan provides the flexibility to accommodate a variety of initiatives as they may arise, such as civic buildings, new businesses, and a range of housing and recreational facilities. More important than the land uses themselves are the ways that they connect to and strengthen the historic center of Lake Elmo.

## The Urban Design Framework

The proposed urban design framework builds on the existing strengths of Lake Elmo, including a compact assemblage of streets and blocks, a distinct edge, an historic main street and good access to parks and open space. The plan extends these qualities to likely new development to the east, north and west. In addition, it proposes engaging the existing residential neighborhood to the south with the village core and new neighborhoods.

Several key recommendations underpin the long-range framework plan:

- Turn Stillwater Boulevard from a State owned road to a City owned road and change it from a rural to urban section through the Old Village. Bring new mixed-use development to wide sidewalks to create a true "Main Street."
- Strengthen historic Main Street by preserving historic buildings, adding carefully integrated and designed infill projects, and replacing or upgrading "soft" properties.
- Create a perimeter lane at the edge of the Old Village to link existing and new neighborhoods directly together.
- Create "gateway roundabouts" into the Old Village where the perimeter lane intersects with Stillwater Boulevard, to provide a transition from the rural to the urban section and calm traffic.
- Extend the existing pattern of streets and blocks to the perimeter pedestrian lane, and develop guidelines for a compatible pattern and scale of streets and blocks beyond.
- Establish safe, walkable connections from the historic core to the centers of each new neighborhood.
- Use new civic or public buildings to anchor one end of the city/neighborhood walking route; anchor the other end with a new neighborhood amenity (park, water, etc.)

A series of possible initiatives, such as a new town hall, a combined Family Service Center and YMCA and a new library would, if located strategically, provide a unique opportunity to establish key connections between the core and new neighborhoods. By placing these civic uses near the edge of the Old Village and linking them to new neighborhood centers beyond on landscaped streets that extend from the existing block pattern, the walkable character of the existing village would be enhanced and new development would strongly echo the character of the historic core.

### The Diagrams and Initial Studies

The attached diagrams describe the evolution of the consultant team's thinking about growth in the Old Village. The first pair of drawings show two approaches to locating new civic uses: the first suggests that public buildings and/or spaces relate more strongly to new neighborhood development, while the second shows a much more compact urban structure, with new development reinforcing the existing core of the Old Village. This second approach was the preferred direction.

The following diagram translates the preferred concept into a broader vision, depicting how the combination of new public uses being located close to the core could be augmented by a perimeter lane that would link new neighborhoods together, allowing safe pedestrian and bicycle movement from one new neighborhood to another.

The Illustrative New Old Village Master Plan

The illustrative plan depicts the long-range vision for growth in the Old Village.

## **Section 3 – Plan Components**

### Overview

The Old Village Plan is broken into a series of “layers” that depict the plan components:

- Districts and Land Use – this drawing reflects the overall organization of the expanded core of the Old Village, identifying where new land uses – both single-use and mixed-use – should be located to strengthen the character of the existing center.
- Green and Blue Layers – this drawing shows the location of the system of parks and open space, both existing and proposed. In addition, it addresses the system of water elements – existing lakes, proposed stormwater ponds or watercourses, and features.
- Streets and Blocks – this graphic depicts recommendations for extending the community fabric around the immediate core, suggesting how connections to new neighborhoods are best achieved.
- Infrastructure

## Districts and Land Use

The plan recommends locating civic districts close to the center of the Old Village, to provide equally good access from existing and developing portions of the community. North of Stillwater Boulevard, the plan calls for a new City Hall and Library complex in the Municipal District, fronted on the road by a symbolic "village Green" and on axis with Lake Elmo Avenue as one approaches from the south.

Abutting the Municipal District immediately to the west is the proposed Institutional District, encompassing the existing school site with potential expansion room to the west or north. The long-range realignment of Lake Elmo Avenue will allow western expansion of this precinct.

To the east of the core, south of Stillwater Boulevard, the plan proposes a new Family/Recreational District, which would include a new Service Center and YMCA. Easily accessed from larger communities to the east, such as Stillwater and Oak Park Heights, the suggested site would front onto Stillwater Boulevard and extend to the south, connection to existing city parks.

The Historic District includes Lake Elmo Avenue south of Stillwater Boulevard and the buildings in the immediate vicinity. A mix of uses and building types characterizes the street, but with sensitive restoration and infill strategies, it has the potential to become a memorable urban space that would reinforce new mixed-use development along Stillwater Boulevard.

Beyond the proposed civic districts are the proposed new neighborhoods, each with a focal point or neighborhood amenity that ties directly back into the Old Village via "green streets" or other pedestrian and bicycle-friendly routes. While the new neighborhoods will be developed privately, guidelines will promote a development pattern that strongly recalls the scale and texture of the historic core.

## Green and Blue Layers

Lake Elmo is blessed with an array of recreational opportunities, including Lake Elmo Regional Park, Sunfish Lake Park and a system of trails that have been established with the development of recent neighborhoods. The linkages between parks and public open space remain tenuous, however, and the plan suggests a pedestrian "lane," either on existing streets or in new alignments, that would link new perimeter neighborhoods with existing neighborhoods, unifying the entire community.

This green system, then, includes both linkages and the spaces to which they connect, such as existing parks in the core and proposed parks and passive open spaces within new neighborhoods. Together, they will form an integrated system that recalls the Minneapolis Park System on a smaller scale. Such a system allows all residents to have easy access to the entire system and the ability to circumnavigate the community on a linear green circuit.

A proposed greenbelt will surround the entire community, including new neighborhoods. It will primarily be a passive space, clearly defining the edge of the village and providing a buffer to surrounding land uses. Trails should be allowed to penetrate the greenbelt, linking to existing neighborhoods and their trail systems, such as those in The Fields of St. Croix.

The blue layer refers to the network of water systems that is integrated into the community. Lake Elmo's consultant has prepared a stormwater management plan for the City, designed to handle overland flow and retention requirements. The Master Plan recommends modifying the proposed plan to use the required ponding to create water amenities that integrate with the green system, as opposed to isolating them.

There are possible issues related to the operation of the Lake Elmo Airport that may affect the design of the retention ponds. Concerns about waterfowl interfering with the coming and going of aircraft are a foremost concern of the Metropolitan Airports Commission, who regulates the operation of the facility. The use of heavily planted or urban, hard-edged shorelines – as opposed to lawns at the perimeter – are proven strategies for discouraging waterfowl from inhabiting the ponds.

## Streets and Blocks

Lake Elmo's Old Village is characterized by a very compact pattern of streets and blocks north of the railroad; blocks measure approximately 300' from centerline to centerline of bordering streets on the east and west, with varying north-south dimensions. South of the rail line, the blocks become less regular, located more organically in response to landform and water bodies. Both north and south of the railroad, commercial, office and residential buildings are modestly scaled and the general character is remarkably intimate.

New developments on the outskirts of the Old Village vary in character, some having very compact street systems and lot sizes, and others assuming a more traditional suburban scale. In most cases, however, recent development has retained large areas of common open space, a signature of the City.

The Old Village Master Plan recommends extending the compact fabric of streets and blocks outward toward the new neighborhoods that are planned at its perimeter. Through the use of development guidelines (see Section 4), the plan reinforces the importance of retaining the unique qualities that make the Old Village unique.



## Infrastructure

Growth and revitalization require new and upgraded infrastructure, and Lake Elmo is embarking on a process that will address the physical things that we see and the support systems that we do not.

Sanitary sewer in and around the Old Village, heretofore accommodated through the use of private septic systems, will now be served by a new extension of the regional sanitary sewer system from the south into the Old Village. There will be more than adequate capacity to accommodate the number of housing units proposed under the City's agreement with the Met Council.

Other utilities will also be upgraded as new housing development comes online. While this plan does not address those issues with any specificity, it recognizes that these systems will have to be in place to accept the demands of up to 600 new units of housing in the "new" Old Village.

## **Section 4 – Policy and Process**

### Overview

Without strong leadership and sound policy, the best of plans will be compromised. Through a series of steps, the vision plan should be translated into policy, which provides the “teeth” to ensure that the vision will be realized. This requires the political will and leadership to translate design and development guidelines into zoning criteria, which in turn will give the City the power to control their own destiny.

### Zoning Code / Overlay District

While there are numerous approaches to refining existing zoning codes to address areas that will experience new growth or redevelopment, the process is often arduous. Lake Elmo should consider a two-pronged strategy that could provide the City with the most efficient means to an end.

The first aspect of this approach suggests that the Old Village is an entity that should not be treated as a collection of disparate pieces but instead as a whole. Using this assumption, the City could develop an overlay district that would have the flexibility to allow changing uses within the district while preserving its scale and character. Like Grand Avenue, where housing and retail sit side by side – and where housing sometimes becomes retail in the same building (which is, by the way, also the case on Lake Elmo's historic Main Street), it is the preservation of the whole that trumps the single use considerations.

The second aspect of this approach directly addresses the urban form of the Old Village. Often referred to as "form-based zoning," this method of zoning speaks to the architectural character of buildings and relationship to the public realm. An early example is on the Toronto waterfront, where the City was far more concerned with how buildings addressed the street, provided activity at grade, created plentiful fenestration and so forth, than they were with the particular land use within the building.

Together, these strategies could provide the City with a simple means to reinforce the character of the Old Village while remaining flexible to accommodate changes in the marketplace.

Development Guidelines

Architectural Guidelines

Public Realm Guidelines

### Met Council Criteria

The City of Lake Elmo and the Met Council have had extensive dialogue about growth in the community. The City has consistently placed high value on retaining the small-town feel of the Old Village and determined that new housing should relate to and reinforce its character and scale. The City, an early proponent of clustering housing on smaller lots and retaining half of developed land in permanent open space, has steadfastly opposed more typical, large lot suburban expansion. The Met Council has not opposed this goal.

While the Met Council has encouraged retail development along I-94 at the south end of the City, it has been flexible about letting the City determine where residential growth should occur and how it should appear. The City is required, however, to submit to the Council its proposed growth strategy in and around the Old Village as part of its Comprehensive Planning process.

Given the conflict between stormwater requirements, development rights and airport needs, it appears that compromise will be a necessity, and that two possible approaches should be explored:

- Design a system that minimizes surface water to discourage bird populations
- Store water in ponds that have hard edges or are heavily planted, making access by waterfowl difficult or undesirable

## Watershed District Issues

As noted on previous pages, the City of Lake Elmo faces serious stormwater management issues, which will be exacerbated with additional housing development.



September 26, 2005

Charles E. Dillerud, Planner  
City of Lake Elmo  
3800 Laverne Avenue  
Lake Elmo, MN 55042

**RECEIVED**  
SEP 28 2005

**RE: Response to Required Comprehensive Plan Modifications  
City Of Lake Elmo Comprehensive Plan -2030-  
Metropolitan Council Review File No. 18608-1  
Metropolitan Council District 12, Chris Georgacas**

Dear Mr. Dillerud:

The Metropolitan Council received your application for review of the *City of Lake Elmo's Comprehensive Plan* on September 6, 2005. This City-wide comprehensive plan amendment is intended to address the comprehensive plan modifications required by the Metropolitan Council in Resolution 2003-10, the terms of the 2005 Memorandum of Understanding, and Metropolitan Council Resolution 2005-20.

Provision 3.(a) of Resolution 2005-20 states among other things that:

The City's plan update will not be "complete" for Metropolitan Council review purposes until all adjacent governmental units and affected school districts have either provided comments to the City or failed to provide any responses or comments to the City within sixty (60) days after the City submitted the plan to the adjacent governmental unit or affected school district.

The information form accompanying the comprehensive plan amendment indicates that copies of the plan were sent to adjacent local governments on August 26, 2005. There was no indication of whether affected school districts were sent copies at the same time. The Council requests that the City confirm the date when copies of the comprehensive plan amendment were sent to affected school districts.

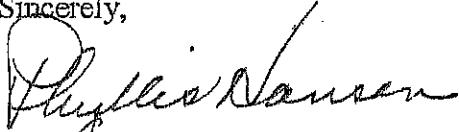
While the Council cannot officially begin its review until adjacent local governments and affected school districts have had an opportunity to review and comment on the amendment, the Council would like to begin a preliminary review dialogue with you. To that end, the enclosure identifies plan components that were found to be incomplete during an initial review of the application. While the 60-day adjacent jurisdiction review is under way, the Council requests that the City provide the supplemental information necessary to ensure the comprehensive plan amendment application is complete for review.



Page 2  
Charles E. Dillerud  
September 26, 2005

If you need further clarification or guidance about the missing information, please feel free to contact me or Bob Mazanec, Principal Reviewer-Sector Representative.

Sincerely,



Phyllis Hanson  
Local Planning Assistance Manager

cc: Chris Georgacas, Metropolitan Council District 12  
Blair Tremere, Community Development Director  
Mark Vander Schaaf, Planning and Growth Management Director  
Bob Mazanec, Sector Representative-Principal Reviewer  
Cheryl Olsen, Reviews Coordinator

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Enclosure  
Letter to Charles E. Dillerud  
September 26, 2005

Initial review by Metropolitan Council staff finds that the *City Of Lake Elmo Comprehensive Plan -2030-* amendment application is incomplete. Continued review of the plan amendment will be dependent upon receipt of the following information:

Aviation

The comprehensive plan amendment application should include "The Village Land Use Plan", including land use and development staging-timing maps, and the Village Area "Green Belt" strategies and implementation measures should be defined as concerns airport protection.

Although Lake Elmo Airport is not located within the City, Lake Elmo is within the airport influence area where planning considerations for airport height and land use safety zoning, aircraft noise compatibility, and infrastructure needs generally apply. In addition, the City is within the region's general airspace that needs to be protected from potential obstructions to air navigation. The surface water of Lake Elmo is designated as a permitted seaplane use area under state rules.

Land use safety zones and airport height zoning deal with very discrete boundaries, both horizontally and vertically. Thus, a well defined land use plan and use designation is a necessary condition to determine aviation system compatibility. The Village Area plan and the greenbelt in particular are not included or described in sufficient detail to make determinations on system impacts and protection measures.

Sewage Treatment

The *City Of Lake Elmo Comprehensive Plan -2030-* should indicate how many individual sewage treatment systems (ISTS) operate within the City, modify the Community Treatment System information in Table 22 and Figure X to be internally consistent, and incorporate an overview of the City's ISTS management program.

Adequate data is provided about collective ISTS systems but not about individual ISTS systems. In particular, the number of individual systems is not included. Also, the ordinance in the Appendix indicates that all systems must be pumped at least every two years but does not provide information on the City's maintenance tracking system to insure necessary maintenance is performed by homeowners. The City allows the siting of community wastewater treatment systems that utilize wetland treatment technology, but Figure X and Table 22 provide inconsistent data about the number of existing wetland systems.

### Regional Parks

The comprehensive plan amendment is not complete for review until it includes the Washington County Greenway Regional Trail on the "Existing Park and Recreation Facilities" map.

Staff recognizes that the City is in the process of updating the trails system plan component of its comprehensive plan and that it is not complete at this time. However, the Existing Park and Recreation Facilities map identifies the location of a regional trail in the far northwest corner of the City, the Gateway State Trail. The Washington County Greenway Regional Trail should be included as well.

The City state during the initial 2002 Metropolitan Council review of Lake Elmo's 2020 comprehensive plan update that the omission of this proposed regional trail in its plan map was an oversight. At that time the City stated that it would change its map to show a proposed north-south regional trail that would connect Big Marine Regional Park in the north part of the county to Lake Elmo Regional Park Reserve in the central part of the county to Cottage Grove Ravine Regional Park in the south part of the county.

### Land Use—Alternative Densities

The City Of Lake Elmo Comprehensive Plan -2030- amendment application should provide two alternative sets of density ranges for residential land within the 2030 Metropolitan Urban Service Area (MUSA) and reflect the other requirements of Metropolitan Council Resolution 2005-20, provision 3.(i). While the 2030 city plan indicates that in the event growth expectations are not achieved the city will work cooperatively with the Council to devise a remedial plan for the ensuing five years, the plan does not fully reflect the requirements of provision 3.(i) of Metropolitan Council Resolution 2005-20 (copy attached).

### Land Use—Village Plan

To be complete for review, the land use element of the comprehensive plan amendment application should include the Village Land Use Plan and Green Belt subarea plan. There are numerous references in the city plan application to the effect that all development and redevelopment within the Village Area and Green Belt shall be responsive to the adopted Village Plan. Given the prominence of the Village Area in the City's comprehensive plan, the City needs to include the Village Plan as a more detailed subarea comprehensive plan element, or integrate more Village Plan details into the land use element.

The Council has not previously reviewed the Village Plan, and so the comprehensive plan application needs to incorporate enough details to determine its conformance with regional systems and consistency with Council policies. Not only is this necessary as noted in the

aviation comments above, but the specifics of land use and development staging-timing in the Village and Greenbelt areas are needed to fully evaluate implications for other metro systems and how low- and moderate-cost housing opportunities will be provided.

### Housing

The City's plan as submitted needs revision and additional information to comply with comprehensive plan requirements regarding low and moderate-income set forth in the Land Planning Act. The city's plan states all the pre-2011 sewered growth will be in Old Village, but it does not delineate any of the residential land uses that will be in place in the Old Village for the balance of this decade. Because of this, the Council cannot fairly assess whether Lake Elmo is providing the opportunity for the development of new rental or affordable owner-occupied housing through 2010.

The Land Planning Act (LPA) requires local governments to address at least two issues regarding low and moderate-income housing needs in preparing their local comprehensive plans. They must identify in their plan their share of the regional need for low and moderate-income housing, and they must prepare an implementation section of the plan that identifies how they will address this share of the regional need. The plan amendment does neither.

In employing the same housing goals methodology other communities used in preparing their 1998 comprehensive plan updates, the Council expects Lake Elmo to set goals consistent with the housing benchmarks identified for other urbanizing communities in the Northeast St. Paul planning sector of the region. The plan would then identify a sufficient amount of sewered land guided for medium and high density development pre-2011 to accommodate those goals.

The Council would expect to see Lake Elmo applying its goals to the new sewered units in the city's Old Village neighborhood, and thus, guiding land there at a density that could facilitate opportunities for affordable units. The benchmarks for Lake Elmo applied to its forecasted sewered growth would yield the expectation of more than 100 rental units requiring land guided for at least medium density, but more likely high density residential development. Of the remaining owner-occupied units, the affordable share of such units would likely require the guiding of 41 to 46 acres at a medium density of 5 or 6 units per acre.

But the above-noted land use planning deficiency is only a part of the LPA's housing implementation plan responsibilities. The law requires the identification of the programs and fiscal devices the city will use or others may use within Lake Elmo to advance affordable housing pre-2011. The potential role the Washington County HRA can play in helping Lake Elmo work toward its share of the region's needs could be mentioned as could the various programs and development assistance tools from the Minnesota Housing Finance Agency or

the federal government such as the programs of HUD, tax-exempt revenue bonds, or low-income housing tax credits.

Citywide Growth Forecast Comparisons

The only discrepancy in growth forecasts is 2020 employment. The city plan shows 2,650 employment, and the 2030 *Regional Development Framework* revised forecasts show 7,200.

Households

	2010	2020	2030
MOU	na	na	na
Res. 2005-20	3619	6324	8727
2030 RDF Rev.	3619	6324	8727
Lake Elmo Plan	3619	6324	8727

Employment

	2010	2020	2030
MOU	na	na	na
Res. 2005-20	na	na	na
2030 RDF Rev.	2250	7200	14000
Lake Elmo Plan	2250	2650	14000

Population

	2010	2020	2030
MOU	TBD	TBD	24000
Res. 2005-20	9952	18403	24000
2030 RDF Rev.	9952	18403	24000
Lake Elmo Plan	9952	18403	24000

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**METROPOLITAN COUNCIL**

Mears Park Centre · 230 East Fifth Street · Saint Paul, Minnesota 55101

**RESOLUTION NO. 2005-20**

**GRANTING THE CITY OF LAKE ELMO'S REQUEST TO EXTEND THE TIME  
WITHIN WHICH THE CITY MUST ADOPT A LOCAL COMPREHENSIVE PLAN  
WITH REQUIRED MODIFICATIONS AND ATTACHING REASONABLE  
REQUIREMENTS AND CONDITIONS TO THE EXTENSION**

**WHEREAS**, in February 1997 the Metropolitan Council submitted to the City of Lake Elmo a system statement that advised the City of the Metropolitan Council's recently adopted policy planning documents and metropolitan system plans and identified population projections and other planning elements the City should incorporate into its plan as the City fulfilled its decennial review obligations under section 473.864 of the Metropolitan Land Planning Act; and

**WHEREAS**, Minnesota Statutes section 473.864, subdivision 2 required all metropolitan-area cities to review and, if necessary, amend their entire comprehensive plans, fiscal devices and official controls by December 31, 1998 to ensure local plans conformed with metropolitan system plans and ensure fiscal devices and official controls did not conflict with local comprehensive plans or permit activities that conflict with metropolitan system plans; and

**WHEREAS**, the City's comprehensive plan update was submitted to the Metropolitan Council on August 24, 2001 and its proposed plan update was deemed complete for Metropolitan Council review purposes in February 2002; and

**WHEREAS**, at its September 11, 2002 regular meeting the Metropolitan Council found that the City's proposed plan update may substantially depart from and may have a substantial impact on metropolitan system plans; and

**WHEREAS**, pursuant to Minnesota Statutes section 473.866, the City requested a contested case hearing on the Metropolitan Council's September 11, 2002 decision; and

**WHEREAS**, on March 13, 2003 the administrative law judge concluded the Metropolitan Council has the statutory authority to require modifications to local comprehensive plans that substantially depart from or have a substantial impact on metropolitan system plans and recommended the Metropolitan Council require the City of Lake Elmo to modify its comprehensive plan; and

**WHEREAS**, on April 9, 2003, the governing body of the Metropolitan Council adopted Resolution No. 2003-10 and made its "final decision" with respect to modifications the Metropolitan Council deemed necessary to ensure the City's proposed plan update did not have a substantial impact on or contain a substantial departure from metropolitan system plans; and

**WHEREAS**, the City appealed the Metropolitan Council's "final decision" to the Minnesota Court of Appeals and ultimately the Minnesota Supreme Court; and

**WHEREAS**, on August 5, 2004 the Minnesota Supreme Court concluded the Metropolitan Council has the statutory authority to require modifications to the City's proposed plan update and affirmed the Metropolitan Council's "final decision," and judgment was entered September 30, 2004; and

**WHEREAS**, Minnesota Statutes section 473.864, subdivision 1 requires local governmental units to adopt comprehensive plans with required modifications within nine months following a final decision, order, or judgment made pursuant to Minnesota Statutes section 473.866; and

**WHEREAS**, the Metropolitan Council preferred to engage the City in negotiating an amicable resolution of the issues, rather than strictly imposing the modifications in Resolution No. 2003-10 as authorized by the Supreme Court's order; and

**WHEREAS**, representatives of the City and the Metropolitan Council subsequently met to discuss how the City might modify its proposed plan update to accommodate local and regional issues that were the subject of Metropolitan Council Resolution No. 2003-10 and the Supreme Court's decision; and

**WHEREAS**, on January 27, 2005 the Mayor of Lake Elmo and the Chair of the Metropolitan Council signed a Memorandum of Understanding, subsequently ratified by their respective governing bodies, that outlined certain criteria for guiding the City and the Metropolitan Council as the City modified its proposed plan update to ensure conformity with metropolitan system plans; and

**WHEREAS**, Paragraph 8 of the Memorandum of Understanding required the City to complete its plan update modifications by April 15, 2005, submit its plan update to adjacent communities by April 15, 2005, and submit its plan update with required modifications to the Metropolitan Council on or before June 15, 2005 and prior to June 30 when the statutory nine-month plan modification period expired; and

**WHEREAS**, the City did not meet the April 15 and June 15 deadlines stated in the Memorandum of Understanding and did not adopt a plan update with required modifications by the statutory June 30, 2005 deadline; and

**WHEREAS**, Minnesota Statutes section 473.869 authorizes local governmental units to request that the Metropolitan Council extend the time for fulfilling the requirements of Minnesota Statutes sections 462.355, subdivision 4, 473.175, and 473.851 to 473.871; and

**WHEREAS**, local governmental units requesting an extension under Minnesota Statutes section 473.869 must describe the activities previously undertaken by the local unit in fulfillment of the pertinent planning statutes and explain the reasons necessitating and justifying an extension request; and

**WHEREAS**, on June 27, 2005 the Lake Elmo City Council approved Resolution No. 2005-067 which describes activities the City has undertaken to prepare a modified plan update

pursuant to the January 27, 2005 Memorandum of Understanding and states that it was not possible for the City to complete its amended comprehensive plan update with required modifications within the statutory nine-month period; and

**WHEREAS**, the City states in Resolution No. 2005-067 that it requests the Metropolitan Council to grant the City an extension from June 30, 2005 to August 31, 2005 for submittal of its proposed plan update to adjacent governmental units and school districts, and an extension from June 30, 2005 to September 30, 2005 for submittal of its updated comprehensive plan to the Metropolitan Council; and

**WHEREAS**, pursuant to Minnesota Statutes section 473.869 the Metropolitan Council may "in its discretion" grant by resolution a request for extension upon a finding of "exceptional circumstances or undue hardship" and "may attach reasonable requirements or conditions to the extension"; and

**WHEREAS**, it is appropriate and necessary to attach certain conditions and requirements to this time extension to ensure the Memorandum of Understanding is successfully implemented over time and ensure costly regional infrastructure is used effectively and efficiently; and

**WHEREAS**, Minnesota Statutes section 473.175, subdivision 3 authorizes the Metropolitan Council to commence civil proceedings by appropriate legal action in district court to enforce the provisions of the Metropolitan Land Planning Act if a local government does not adopt a plan with modifications required pursuant to Minnesota Statutes section 473.866 within nine months following a final decision, order, or judgment made pursuant to section 473.866; and

**WHEREAS**, further delay in adopting a plan update with required modifications will cause additional inconveniences and costs, unnecessary expenditures of scarce public resources, and uncertainty for residents of the City and the Metropolitan Council's planning processes for its regional systems; and

**WHEREAS**, it will cost the Metropolitan Council additional time, resources and money if the City does not adopt a plan update with required modifications within a reasonable period of time and the Metropolitan Council must commence civil proceedings in the district court to enforce the provisions of the Metropolitan Land Planning Act and the September 30, 2005 judgment in the Minnesota Supreme Court's August 2005 decision.

**NOW THEREFORE, BE IT RESOLVED:**

1. Pursuant to Minnesota Statutes section 473.869, the Metropolitan Council finds there are exceptional circumstances and undue hardship in this case for the following reasons:
  - (a) Since the 1976 passage of the Metropolitan Land Planning Act, the Lake Elmo matter is the first time a local governmental unit and the Metropolitan Council were not able to resolve their differences over comprehensive planning matters through discussion and negotiation. Both the City and the Metropolitan Council have found it necessary to devote extra time, resources and effort to this unique planning process.



- (b) The plan modifications required of the City represent, in some cases, significant changes from historical land use patterns and planning practices within the City.
  - (c) Making significant changes to historical land use patterns and long-standing planning practices sometimes can be politically difficult and time-consuming.
  - (d) Following the November 2004 city elections, three new members were elected to the Lake Elmo City Council and a new mayor was elected.
2. Pursuant to Minnesota Statutes section 473.869, the Metropolitan Council finds that it is appropriate to grant the City's request for an extension of the time within which the City must adopt a plan update in accordance with the Metropolitan Land Planning Act and the Minnesota Supreme Court's decision, and consistent with the January 27, 2005 Memorandum of Understanding. Subject to the conditions set forth below, the City's request for an extension is granted as follows:
- (a) The City must complete its plan update as soon as possible and must submit the proposed plan update to adjacent governmental units and affected school districts no later than August 31, 2005; and
  - (b) The City must submit a plan update with required modifications to the Metropolitan Council for review no later than September 30, 2005.
  - (c) Within thirty (30) days after the Metropolitan Council takes action on the City's plan update the City must finally adopt its plan update with modifications (if any) required by the Metropolitan Council to ensure the plan update is consistent with the Memorandum of Understanding, the requirements and conditions of this time extension, and metropolitan system plans.
3. Pursuant to Minnesota Statutes section 473.869, the following reasonable requirements and conditions are attached to the extension:
- (a) The City's plan update will not be "complete" for Metropolitan Council review purposes until all adjacent governmental units and affected school districts have either provided comments to the City or failed to provide any responses or comments to the City within sixty (60) days after the City submitted the plan to the adjacent governmental unit or affected school district.
  - (b) The City's plan update must be consistent with the January 27, 2005 Memorandum of Understanding for those items addressed in the Memorandum of Understanding. For those matters that are not expressly addressed in the Memorandum of Understanding, the plan update must be consistent with the Metropolitan Land Planning Act and metropolitan system plans. The Metropolitan Council did not waive any regional land use policies in its regional policy documents or metropolitan system plans regarding land use planning, and the City must comply with and prepare a plan update consistent with the metropolitan system plans.
  - (c) Pursuant to Minnesota Statutes section 473.865, subdivision 3, within nine (9) months after the adoption of its modified plan update the City must amend all

official controls that conflict with its comprehensive plan to ensure City zoning ordinances, subdivision controls, site plan regulations and other official controls and fiscal devices do not conflict with the City's comprehensive plan or permit any activity in conflict with metropolitan system plans. Pursuant to Minnesota Statutes section 473.865, subdivision 1, the City must submit copies of the official controls to the Metropolitan Council within thirty (30) days following adoption.

- (d) The City will actively participate in the Metropolitan Council's plat monitoring program.
- (e) If the City does not prepare and submit by September 30, 2005 a plan update consistent with the Memorandum of Understanding and the requirements and conditions attached to this time extension and if the Metropolitan Council commences an enforcement action pursuant to Minnesota Statutes section 473.175, subdivision 3 or other law, the City will pay the Metropolitan Council's costs and expenses, including reasonable attorney fees, and will not contest a judicial action by the Metropolitan Council to compel compliance.
- (f) This time extension does not constitute a waiver of the Metropolitan Council's right to commence civil proceedings under Minnesota Statutes section 473.175. If the City does not prepare and adopt a plan update with required modifications according to the time schedule stated in this extension, the Metropolitan Council may consider the Memorandum of Understanding terminated and may seek to compel compliance with the original plan modifications that were the subject of the Minnesota Supreme Court's August 5, 2004 decision and September 30, 2004 judgment.
- (g) The City must stage its sewer development consistent with Metropolitan Council policy requiring local governmental units to hook up to the regional wastewater disposal system within two (2) years after regional wastewater service is made available.
- (h) The Metropolitan Council's commitments in the Memorandum of Understanding to make regional sewer service available to the City via the WONE Interceptor (December 2006) and the Cottage Grove Interceptor (Phase I; December 2007) were based on the assumption that the City would submit its proposed plan update by June 15, 2005. Accordingly, the schedules for providing regional sewer service stated in the Memorandum of Understanding will be adjusted as follows to reflect the time extension requested by the City: the Metropolitan Council will plan to have regional sewer service available through the WONE Interceptor within eighteen (18) months after the date the City finally adopts an updated plan consistent with the Memorandum of Understanding and the conditions and requirements of this extension; and will plan to have regional sewer service available through the Cottage Grove Interceptor (Phase I) within thirty (30) months after the date the City finally adopts an updated plan consistent with the Memorandum of Understanding and the conditions and requirements of this extension.

- (i) The City's updated plan will provide that when the Count of Population and Household data from the 2010 U.S. Census are available, and every five years thereafter through 2030, the Metropolitan Council will determine whether the population, household and residential equivalent unit (REC) levels in the City meet the City's commitments under the Memorandum of Understanding and reflected in the City's adopted comprehensive plan. Those population, household and REC levels are summarized in the following growth staging table and must be incorporated as part of the City's updated plan submitted to the Metropolitan Council for review by September 30, 2005, as well as the revised or updated plan the City will submit to the Metropolitan Council in connection with the upcoming decennial review under Minnesota Statutes section 473.864:

	Households	Population	RECs*
2010	3,619	9,952	515 (all residential)
2015	5,114	14,064	1,930 (1,650 residential, 280 employment)
2020	6,324	18,403	3,120 (2,500 residential, 620 employment)
2025	7,524	21,895	4,310 (3,350 residential, 960 employment)
2030	8,727	24,000	5,500 (4,200 residential, 1,300 employment)

\* Not counting Cimarron, existing Village, existing Eagles Point

The City's updated plan shall state and expressly provide actions required to implement and complete the growth staging specified in the preceding growth staging table shall be implemented automatically without the need for comprehensive plan amendments.

For years ending in "0" the determination of households and population will be based on U.S. Census data; for years ending in "5" this determination will be based on official estimates by the Metropolitan Council. If the City's growth falls short of its population commitments, the Metropolitan Council will notify the City regarding the level of the shortfall and the additional housing units needed to make up the shortfall.

The City's updated plan will clearly specify the remedial actions, approved by the Metropolitan Council, that will be triggered if the City fails to meet its committed growth in population or RECs. The plan shall provide that these remedies, once triggered, shall be self-executing without the need for further City Council action other than appropriate and necessary revisions to official controls. Remedies shall include, but are not limited to, the following:

- (i) Automatic adjustment of the growth staging table to reflect the growth of households, population, and RECs needed to meet the population commitments the City agreed to under the Memorandum of Understanding. The adjusted growth staging table, upon approval of the Metropolitan Council, shall be deemed to be immediately incorporated in the City's

comprehensive plan. This remedy includes appropriate and timely modification of official controls, *e.g.*, zoning and subdivision ordinances which are consistent with the comprehensive plan, in accordance with state law, to implement the comprehensive plan.

- (ii) If the City does not meet its population commitment in 2010, its household commitments for 2015, 2020, 2025, and 2030 shall each be adjusted upward by an amount equal to the difference between the committed population and the actual population in 2010, multiplied by 0.5. This process shall be repeated in 2015, 2020, 2025, and 2030. Housing units added under this provision shall be added at an average density of at least 3 units per acre.
- (iii) If the City does not meet its REC commitments in 2010, it shall pay to the Metropolitan Council a "wastewater inefficiency fee" (WIF) to help pay the operation, maintenance, and capital costs of underutilized regional wastewater infrastructure and the costs of providing regional sewer service for development elsewhere in the region that would have occurred within the City. A determination will be made on the number of deficient RECs by subtracting actual RECs from the committed RECs identified in the adopted comprehensive plan. A WIF shall be paid for every deficient REC and will be due on the dates specified below:

Time Frame	WIF per Each Deficient REC	Payment Date
2007-2010	\$2,600	January 31, 2011
2010-2015	\$4,200	January 31, 2016
2015-2020	\$5,200	January 31, 2021
2020-2025	\$5,500	January 31, 2026
2025-2030	\$5,700	January 31, 2031

If the City achieves the committed number of RECs after a WIF is assessed to the City, a service availability charge (SAC) credit will be granted for each deficient REC for which a WIF was assessed. The SAC credit will be granted at the end of each five-year staging period.

In addition, the City's updated plan shall provide that all residential land within its 2030 Metropolitan Urban Service Area (MUSA) is guided at two alternative density ranges. The first density range shall be of the City's choosing, provided that: the minimum density is at least three units per acre, consistent with density standards in the metropolitan system plans; and, the totality of residential areas intended for sewer development will accommodate at least 4,200 new residential RECs. The second density range shall be equal to the first range plus at least three additional units per acre. The first density range will be established until April 30, 2011. The Metropolitan Council will notify the City by February 15, 2011 regarding the status of the City's REC commitment as of December 31, 2010. If the City achieves its commitment for residential RECs as of December 31, 2010, the first density range automatically will be reestablished in the City's comprehensive plan until April 20, 2016. If the City does not achieve its commitment for residential RECs as of December 31, 2010, the City may designate

one acre for each REC the City is short, to be guided at the second alternative density range. If the City does not act to designate acres to be regulated at the second density range by April 30, 2011, the second density range automatically will be established for all of the residential land in the 2010-2015 staging area of the 2030 MUSA. The same process will be repeated for 2015, 2020 and 2025, and remedial action as described will be taken by April 30 of 2016, 2021 and 2026.

- (j) The City must comply with the decennial review provisions of Minnesota Statutes section 473.864, subdivision 2 and, after receiving a system statement from the Metropolitan Council, must review and, as necessary, update its local comprehensive plan no later than December 31, 2008. The plan update that is the subject of this extension is not the decennial plan review and update the City must complete by December 31, 2008 pursuant to Minnesota Statutes section 473.864, subdivision 2.
- (k) The City must plan for a total citywide population of 24,000 as outlined in the Memorandum of Understanding and land use planning to accommodate that total population must be timely and consistent with density standards and other provisions of the metropolitan system plans. The City may exercise its judgment about where and how the 24,000 population will be accommodated within the City consistent with the Memorandum of Understanding but the City's plan update must reflect the City's obligation to produce and maintain an average residential density of at least three (3) dwelling units per acre in all sewered areas of the City.
- (l) The City must timely submit to the Metropolitan Council, as required by Minnesota Statutes section 473.513, copies of applications for permits to alter or improve the City's local sewer system as well as design data and location maps of the projects.
- (m) The City must cooperatively work with the Metropolitan Council and adjacent governmental units to plan for and implement regional sewer service to support sewered development within the City.
- (n) Conditions beyond the control of the City, such as a severe reduction in housing construction in the region's Developing Communities, due to a protracted downturn in the economy or a long-term recession, may adversely affect the City's ability to meet its population, household and REC commitments. Accordingly, if the City has been unable to meet its population, household, and REC commitments because of adverse economic conditions, the City may petition the Metropolitan Council for a modification of the growth staging components of the plan and the conditions and requirements of this time extension if, after the end of a five-year staging period, the following circumstance is verified: the City's production of population, households and RECs, as a percentage of the population, household and REC commitments stated in the growth staging table, equals or exceeds the region's Developing Communities' production of population, households and RECs as a percentage of the region's Developing Communities' forecasted population, households and RECs. If the City's right to petition is triggered and the City petitions the Metropolitan Council for modifications, the Metropolitan Council will not unreasonably deny the petition.

4. This time extension is subject to the City's acceptance and compliance with all the requirements and conditions stated in Paragraph 3. It is the Metropolitan Council's expectation that the City's plan update submitted to the Metropolitan Council for review will reflect these conditions and requirements.
5. Metropolitan Council staff will provide to the City appropriate and reasonable technical and advisory assistance to help the City complete its plan update modifications and review processes by August 31, 2005 and submit a modified plan update to the Metropolitan Council on or before September 30, 2005.
6. The Metropolitan Council will work with the City in an effort to resolve these important planning and metropolitan system issues in a cooperative and collaborative manner.

Adopted this 27<sup>th</sup> day of July, 2005.

\_\_\_\_\_  
Peter Bell, Chair

\_\_\_\_\_  
Pat Curtiss, Recording Secretary

LAKEELMOEXTENSIONRESOLUTION

<p>Lake Elmo City Council December 20, 2005</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p>No. 9D</p>
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**Agenda Item:** Xcel Energy Easement

**Background Information for December 20, 2005:**

The natural gas division of Xcel Energy has requested an easement from the City on which to construct a natural gas measuring and regulating station at the southeast corner of the Old Village water tower site. Xcel had previously requested an easement to place the facility – an assemblage of above ground (green) pipes, but not structures, within the street right-of-way of 33<sup>rd</sup> Street North (the usual location for this type of facility) . The City Public Works Superintendent and City Engineer did not support that initial request since 33<sup>rd</sup> Street North at that point (just west of Lake Elmo Avenue) is only a half width right-of-way. Staff suggested that a better alternative might be a corner of the water tower site.

The easement provides that Xcel will install coniferous landscape screening for the piping, and be responsible for the continuous maintenance and (if necessary) future replacement of the screening. Since no conflicts with current operations of the water tower site or even future redevelopment of that site are apparent staff recommends City Council approval of the easement for this required public utility infrastructure.

The City Attorney has reviewed the easement, and his recommended modifications have been incorporated in the attached draft.

<p><b><u>Action items:</u></b></p> <p>Motion to approve a City easement to Xcel Energy to install a gas measuring and regulating station on the Old Village water tower site per plans and landscape screening plans staff-dated December 16, 2005.</p>	<p><b><u>Person responsible:</u></b></p> <p> City Planner</p>
<p><b><u>Attachments:</u></b></p> <ol style="list-style-type: none"> <li>1. Proposed Easement</li> <li>2. Location Map</li> <li>3. Xcel Screening Plan</li> </ol>	<p><b><u>Time Allocated:</u></b></p>

**REGULATING AND MEASURING STATION EASEMENT**

**KNOW ALL BY THESE PRESENTS**, That the undersigned, hereinafter referred to as "Grantor", for and in consideration of the sum of One and No/100 Dollars (\$1.00) and other valuable considerations, the receipt of which is hereby acknowledged, does hereby grant, convey, and warrant unto **NORTHERN STATES POWER COMPANY**, a Minnesota Corporation, d/b/a Xcel Energy, hereinafter referred to as "Grantee", the perpetual right, privilege, and easement to construct, inspect, repair, maintain, operate, replace and remove a natural gas regulating and measuring station, and appurtenances thereto (including without limitation cathodic protection equipment), upon the following described lands situated in the County of Washington and State of Minnesota, to-wit:

The East One Hundred Ninety-four and Sixty-five One Hundredths (194.65) feet of Lot Six (6), Block Two (2), Lake Elmo Park, as surveyed and platted and now on file and of record in the Office of the Register of Deeds of Washington County, Minnesota

Except for the right of access and temporary working space, said easement shall be limited to that part of the above described land described as follows:

Beginning at the Northeast corner of Lot 6, Block 2, Lake Elmo Park, thence South 72 degrees 41minutes 55 seconds West along the southeasterly line of Registered Land Survey No. 95 a distance of 142.57 feet; thence South 18 degrees 50 minutes 44 seconds East a distance of 20.00 feet; thence North 72 degrees 41 minutes 55 seconds East a distance of 135.55 feet to the east line of said Lot 6; thence North 00 degrees 40 minutes 09 seconds East a distance of 21.03 feet to the point of beginning.

The grant of easement herein contained shall also include the right of ingress to and egress from said premises, for the purpose of constructing, inspecting, repairing, maintaining, operating, replacing, and removing the property of the Grantee located thereon, or the removal thereof, in whole or in part, at the will of the Grantee.

It is agreed that the regulators, meters, valves, buildings, fencing, and appurtenances thereto to be constructed upon the above-described lands shall not become affixed to the real estate in the sense of permanent fixtures forming part of the freehold, but that they shall remain personal property, with the right of removal by the Grantee as herein provided.

12/16/05  
00



It is further agreed that Grantee will plant and maintain a hardy vegetative screening around the natural gas regulating and measuring station in a manner that will not interfere with access to Grantee's equipment in accordance with a plan endorsed by the Lake Elmo City Planner, which endorsement shall not be unreasonably withheld. The Grantee will further assume responsibility for the continued maintenance of said vegetative screening, including reasonable replacement if required by the Grantor.

Deleted: continuance

IN WITNESS WHEREOF, the undersigned have caused this instrument to be duly executed and that they are authorized by City Council resolution to enter into this agreement on behalf of the City of Lake Elmo as of this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

CITY OF LAKE ELMO

\_\_\_\_\_  
Dean Johnston, Mayor

\_\_\_\_\_  
Sharon Lumby, Clerk

STATE OF MINNESOTA     )  
  ) ss.  
COUNTY OF WASHINGTON )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by Dean Johnston, the Mayor, and Sharon Lumby, the Clerk, of the City of Lake Elmo, a Minnesota municipal corporation, and that they have been duly authorized by City Council resolution to execute this agreement on behalf of the City of Lake Elmo.

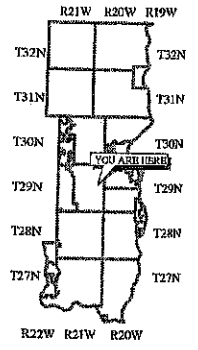
\_\_\_\_\_  
Notary Public

12/16/05  
[Signature]

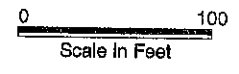
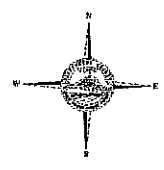
This instrument was drafted by: DGC  
Northern States Power Company  
414 Nicollet Mall, Minneapolis, MN 55401  
Abstract



Location Map



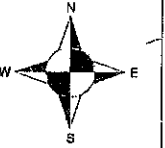
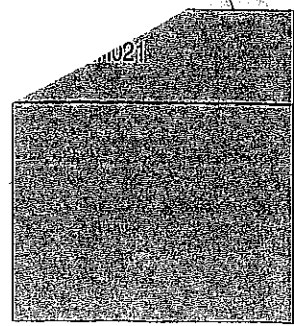
Vicinity Map



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

Source: Washington County Surveyor's Office, Phone (851) 450-6876

Parcel data based on AS400 Information



8'  
25'  
1 1/8" PEYP

16'

3343

3338

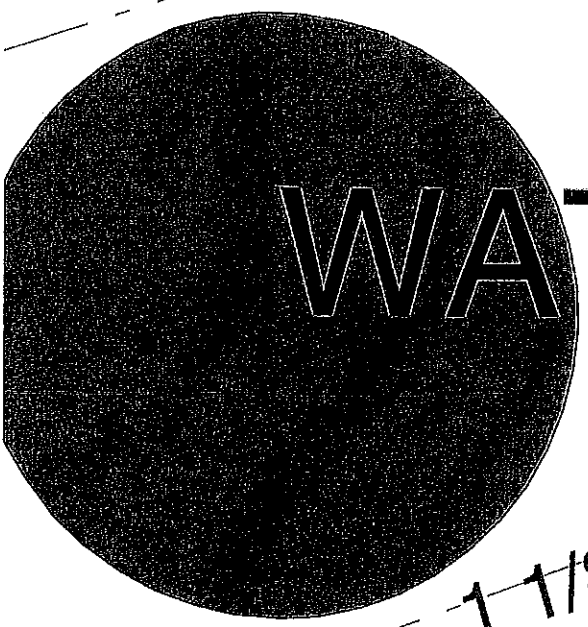
3348

pipe guard posts

Existing Pine Trees

3326

3316



WATER TANK

1 1/8" PEYP

EOR

- Easement Area
- Above Grade Piping
- Below Grade Piping
- Vegetation

Vegetation would be Arborvitae as tall as steel piping.

A

12/16/05  
ced

3308 Xcel Energy<sup>SM</sup>

THIS PRINT REPRESENTS THE LOCATION OF GASELECTRIC FACILITIES AS OF THE PRINTED DATE TO THE BEST OF OUR KNOWLEDGE. THIS INFORMATION IS INTENDED FOR GENERAL USE ONLY AND NOT TO BE USED FOR EXCAVATION PURPOSES. STATE LAW REQUIRES ANYONE DIGGING OR GRADING OR EXCAVATING TO OBTAIN A FIELD LOCATE OF ALL UTILITIES. For Colorado: Call For Utility Notification Center of Colorado at 1-800-922-1067. For Minnesota: Call For Operator State One Call for a Field Locate at 1-800-252-1166.

Scale: 1" equals 25'

<p>Lake Elmo City Council December 20, 2005</p>	<p>Agenda Section: Planning, Land Use and Zoning</p>	<p>No. 9E</p>
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**Agenda Item:** 2006-2010 Capital Improvements Program (CIP)

**Background Information for December 20, 2005:**

The Council first considered the 2006-2010 CIP as recommended by the staff and the Planning Commission at the December 6 meeting. The matter was tabled on December 6 and referred to the Council Committees for further review. The Finance, Legal et al Committee reviewed the questioned details of the CIP with staff on December 13, and requested the matter be again placed on the City Council Agenda December 20.

The adoption 2006-2010 CIP adoption Resolution from the December 6 Agenda is again presented for Council consideration.

**Action items:**

Motion to adopt Resolution #2005-137 approving the 2006-2010 Capital Improvements Program

**Person responsible:**

  
City Planner

**Attachments:**

1. Draft Resolution #2005-137 Approving the 2006-2010 CIP

**Time Allocated:**

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION 2005-137

A RESOLUTION ADOPTING THE 2006-2010 CAPITAL  
IMPROVEMENTS PROGRAM

WHEREAS, at its November 21, 2005 meeting, the Lake Elmo Planning Commission held a public hearing on the draft 2006-2010 Capital Improvements Program.

WHEREAS, the Planning Commission recommends adoption of the 2006-2010 Capital Improvements Program.

WHEREAS, the Lake Elmo City Council reviewed the draft 2006-2010 Capital Improvements Program recommended by the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED, the Lake Elmo City Council approves the 2006-2010 Capital Improvement Program as the planning guide to capital expenditures.

ADOPTED, by the Lake Elmo City Council on the 20<sup>th</sup> of December, 2005.

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Dean Johnston, Mayor

ATTEST:

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Martin Rafferty, City Administrator

Lake Elmo  
City Council  
December 20,  
2005

Agenda Section: Planning, Land Use and Zoning

No. 9F

Agenda Item: Zoning Variance – 10941 32<sup>nd</sup> Avenue North (Hutton)

**Background Information for December 20, 2005:**

On November 28 the Planning Commission conducted a Public Hearing regarding this application for multiple variances to construct a new home (replacing an existing small home) on a very substandard Lake Elmo lot that was platted many decades ago, and even reduced in area after the original platting. The Commission concurred in the Staff observation that the scale of the proposed home would be out of character with the existing neighborhood – both with older and newer homes – and too large for the lot. The Commission tabled the application to allow the applicant to reconsider the size of the proposed new home.

At the request of staff the applicant subsequently submitted a note requesting that the application be placed “on hold” for an indefinite period. Staff advised the Commission on December 12 that the “on hold” request was likely not sufficient to overcome the 60 day review requirement of State Law, and recommended that the Commission adopt a denial recommendation. It was understood that the applicant could return with a new application when ready.

The attached Resolution provides for the denial of the multiple variances based on the Findings recommended by Staff and the Commission.

**Action items:**

Motion to adopt Resolution #2005-<sup>144</sup>, denying the application for zoning variances at 10941 32<sup>nd</sup> Street North based on the recommendation of the Planning Commission, and the Findings of the Resolution of Denial.

**Person responsible:**

City Planner 

**Attachments:**

- 144
1. Draft Resolution #2005 - Denying Variances
  2. Draft Planning Commission Minutes of December 12
  3. Applicant's Note
  4. Planning Commission Minutes of November 28
  5. Planning Staff Report

**Time Allocated:**

CITY OF LAKE ELMO  
WASHINGTON COUNTY, MINNESOTA

RESOLUTION NO. 2005-144

A RESOLUTION DENYING A ZONING VARIANCE FOR ARDELL HUTTON

WHEREAS, Ardell and Debbie Hutton has made application for zoning variances at 10941 32<sup>nd</sup> Street to construct a new home (replacing an existing small home).

WHEREAS, at its November 28th and December 12th meeting, the Lake Elmo Planning Commission reviewed and recommended denial of the zoning variances for OHW Setback, Side Yard Setback and home construction on a lake lot substandard by area requested by Ardell and Debbie Hutton,

WHEREAS, at its December 20<sup>th</sup> meeting, the Lake Elmo City Council reviewed the zoning variances requested by Ardell and Debbie Hutton located at 10941 32<sup>nd</sup> Street,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lake Elmo does hereby deny the application for zoning variances at 10941 32<sup>nd</sup> Street based on the recommendation of the Planning Commission and based on the following finding:

1. The proposed use of the land resulting in the variances requested exceeds what is deemed reasonable for the parcel area and neighborhood.
2. The OHW setback variance and the variance to construct a house on a non-conforming parcel resulting from circumstances unique to properties platted and developed prior to adoption of Zoning, Platting and Shoreland Regulations; and, the circumstances of the variances were not solely created by the applicant, but related to the adjacent property OHW setbacks and unregulated property transactions of earlier years.
3. Granting the variances will change the essential character of the neighborhood by introducing a house out-of-scale with the parcel size/parcel configuration and existing houses in the immediate neighborhood.

ADOPTED by the Lake Elmo City Council on the 20<sup>th</sup> day of December, 2005.

\_\_\_\_\_  
Dean Johnston, Mayor

ATTEST:

\_\_\_\_\_  
Martin J. Rafferty, City Administrator

**DRAFT**

**Variance Update: 10941 32<sup>nd</sup> Street North**

The applicants have requested that their application for a variance for the parcel located at 10941 32<sup>nd</sup> Street North be placed "on hold."

M/S/P Deziel, Helwig To take the Hutton application off the table. VOTE 9-0.

The City Planner explained this concept is "on hold" and will not comply to the 60 day rule and he recommended a motion to deny with findings consistent with staff report.

Commissioner Sedro asked what the applicants would have to do differently. Planner answered submit a specific request to waive the 60 day requirement.

Commissioner Deziel agreed based on the vagueness of their letter and the applicants have not showed up at the meeting.

M/S/P Deziel, Roth To recommend denial of the Hutton variance request based on the findings stated in the staff report. VOTE: 9-0.

12/12/05

**DRAFT**

**DRAFT**

**DRAFT**



RECEIVED  
DEC 09 2005

Dec. 9<sup>th</sup> 2005

We have decided to put our  
plans "on hold" and look at options  
before continuing with our plans for  
10941 32<sup>nd</sup> St. No. Lake Elmo, Md.

Thank You, *Leonor Smith-Hutton*  
and  
*Adelle Hutton*

**PUBLIC HEARING: Variances: 10941 32<sup>nd</sup> Street**

11/28/05.

The Planner said that the applicant has requested tabling the application to allow a possible reduction in scale and discussion at the Valley Branch Watershed District regarding its comments on the application.

The Planner said the application is to remove an existing small home and replace it with a new primary structure. The site is on the north shore of Lake Elmo. Three variances would be required as proposed: distance from OHW of Lake Elmo is closer than 100 feet, lot size is smaller than required, and distance from side yard is closer than 10 feet.

The Planner said that a consideration for this plan is that the home is served by the 201 Septic System. The home as designed would include four bedrooms, and that would potentially bring the 201 System to capacity. There are other homes on this street without room for a backup septic system once the 201 is at capacity.

The applicant is not present but phoned and requested tabling.

Commissioner Deziel asked if anyone has looked at suitability for the existing foundation.

The Planner said a formal building application has not been made, and the basement integrity would be reviewed at that time. The Building Official could look at the footings if the Commission so desires.

Commissioner Pelletier said she is against a house this size in this neighborhood.

Commissioner Armstrong said he has no problem with rebuilding a home in this condition, and he is concerned about the 60 day rule. His recommendation would be to deny and allow the Council to table in light of the 60 day rule.

Commissioner Lyzenga said with regional sewer coming there will be changes that will affect the lots around the lakes. For a period of time, the cushion should be maintained for backup septic for the neighbors. She would recommend denying the application.

The Chairman opened the public hearing at 7:30 p.m. and at 7:31 he closed the Public Hearing after nobody came forward to speak.

Commissioner Deziel said the Commission should allow the applicant the opportunity for redesign. The application can always take it from the table and recommended for denial before the 60 days expire.

M/S/P, Deziel/Sedro, to table per the applicant's request. VOTE: 5:3 (NAY: Armstrong, Lyzenga, Ptacek.)

Commissioners Armstrong and Deziel directed staff to notify the applicant to show up to the next meeting because there is only one meeting remaining this year, and someone will make a motion to deny if the applicant is not present.

**LAKE ELMO PLANNING COMMISSION  
STAFF REPORT**

**Date:** November 22, 2005 for the Meeting of November 28, 2005

**Applicant:** Debbie Smith-Hutton and Ardell Hutton

**Location:** 10941 32<sup>nd</sup> Street North

**Requested Action:** Zoning Ordinance Variances for OHW Setback, Side Yard Setback and Home Construction on a Parcel Substandard by Area

**Land Use Plan Guiding:** SRD

**Existing Zoning:** R-1 (Subject to Shoreland Overlay District)

**Site History and Existing Conditions:**

Review of City records regarding this parcel of 18,000 square feet reveal only a permit for installation of City water service in 1974 and connection to the 32<sup>nd</sup> Street 201 wastewater system in the late 1980's. The existing 1.5 story house of 1118 square and garage of 300 square feet were constructed in 1940, and apparently neither structure has been improved to the extent that building permits would be required for many years – if ever. There appears to have been a deck on the lake side of the house that has been recently removed.

It is apparent that this parcel has been reconfigured from the original Lot 14, Lake Elmo Park via land transactions following the original platting in the early 1900's. Not only have those land transactions resulted in a substantially substandard lot area, but also a very narrow parcel (60 feet of width over much of the lot depth).

The site is sloping from 32<sup>nd</sup> Street North to Lake Elmo with approximately 15 feet of drop.

**Discussion and Analysis:**

The applicants propose demolition of the existing house and construction of a new two story house with a footprint of 1824 square feet and a total livable area of 3344 square feet. In addition, a deck of 176 square feet is proposed on the lake side of the house – at approximately the location of the deck that appears to have been removed from the existing house. The new house would mirror the west side yard setback of the existing house at 8 feet, and therefore not comply with the R-1 minimum setback of 10 feet. In addition, this would now be a two story variance rather than the single story of the existing house. The reconstructed deck, and house extension that would line up with the deck, would be located approximately 85 feet from the Lake Elmo OHW of 885.6 where the Shoreland Overlay District standards require 100 feet – essentially at the setback line of the recently removed deck, and structures on the lots both east and west of the subject.

As noted, the existing home is served by the City's 32<sup>nd</sup> Street 201 wastewater system as a one bedroom user. The City Engineer reported in 2002 that capacity remains in the 32<sup>nd</sup> Street system. As of that date, and including the bedrooms added to the system responsive to the 2002 inquiry, it appears that a maximum of 6 bedrooms of capacity remained in the system based on what the City was aware of regarding the homes then connected. The new house plan for the site suggests 3

bedrooms plus a "sewing room". Considering the size of the "sewing room" and the walk-in closet provided the room, it is reasonable to assume that this could function as a bedroom – if not by the applicants, some future owner. Since the City has no method to control the future use of the "sewing room" it must be considered a 4<sup>th</sup> bedroom for the purposes of wastewater generation.

The proposed new house would add a net 3 bedrooms to the 32<sup>nd</sup> Street 201 system bringing the system to within 3 bedrooms of maximum capacity. It appears that 2 homes on the lake side of 32<sup>nd</sup> Street North and as many as 6 homes on the north side of the 32<sup>nd</sup> Street North with potential access to the 201 system are not served by that system at this time.

Of the 6 homes now on the 32<sup>nd</sup> Street 201 system, two (including the existing house on this parcel) are 1 bedroom, four are 2 bedroom, and one is 3 bedroom according to the City Engineer's Memo of 2002.

This Staff Report is being drafted earlier than is usually the case due to the Thanksgiving Holiday. As of this date no comments have been received from the DNR or Valley Branch Watershed. Consideration of the DNR comments is required – if and when received by the City.

### **Findings and Recommendations:**

Staff suggests the Commission consider the following factors :

1. The sum of the two proposed side yard setbacks is 20 feet+. Unless the applicant proposes to utilize the existing west foundation (which we do not know), it appears that 10 foot side yard setbacks could be achieved on both the west and east sides – avoiding that variance.
2. Even if the applicant proposes to utilize the existing west foundation, the visual impact on the one story (962 square foot) property to the west would be greater from the proposed two story house than from the existing 1 story house.
3. The existing several homes to the east and west of the subject fronting Lake Elmo are set back from the OHW a similar distance as now proposed for the new house on the subject. The new house/deck of the proposed new house would essentially match a line drawn east to west between the structures on the immediately adjacent parcels on either side of the subject.
4. The 8 homes (3 east and 5 west from the subject) that also front Lake Elmo on 32<sup>nd</sup> Street North are (from the east) 768 sf, 2928 sf, 792 sf, subject, 962 sf, 684 sf, 2239 sf, 2112 sf, and 1614 sf total livable area per Washington County Assessor's records. The applicant proposes a new house of 3344 square feet.
5. Per the Washington County Assessor's records there appear to be 2 more bedrooms utilizing the 32<sup>nd</sup> Street 201 System than the City Engineer assumed in 2002. The home at 10917 is now reported to be 4 bedrooms by the Assessor, but only 2 bedrooms by the City Engineer in 2002. If the subject house is constructed as 4 bedrooms, the 201 system will actually be within 1 bedroom of capacity – essentially at capacity, with no room available to accommodate any other existing homes along 32<sup>nd</sup> Street North where private systems may fail.

Staff suggests that to deny the applicant the right to demolish the existing house dating from 1940 and in disrepair and construct a new house on the parcel would be to deny a reasonable use of the parcel. Staff also suggests that constructing the new house at the existing OHW setback line is reasonable given the location of the adjacent houses in relation to the OHW. We question, however, whether a reduction in the proposed scale of the new house would constitute a denial of

reasonable use. Not only does the proposed house appear somewhat out of scale with the majority of the lakefront neighborhood along 32<sup>nd</sup> Street North, but the proposed two story configuration would appear to visually impact the adjacent homes both east and west of the subject – only compounded by the proposed setback variance to the west.

Should the Commission, following the Public Hearing and discussion, concur in the staff observations above noted it would appear that the following Findings regarding this application for variances could be made:

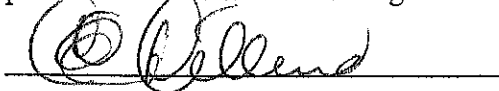
1. The property can be put to reasonable use without the granting of all of the variances requested.
2. The OHW setback variance and the variance to construct a house on a non-conforming parcel result from circumstances unique to properties platted and developed prior to adoption of Zoning, Platting and Shoreland Regulations; and, the circumstances of the variances were not solely created by the applicant, but relate to the adjacent property OHW setbacks and unregulated property transactions of earlier years.
3. Granting of the variances will change the essential character of the neighborhood by introducing a house out-of-scale with the parcel size/parcel configuration and existing houses in the immediate neighborhood.

It could be found by the City that no new house of any scale should be constructed on this significantly substandard lot and the basic variance to construct a new house could be denied. Staff suggests that a new house of a more modest scale (at the OHW setback now proposed) could be found to be both a reasonable use and in keeping with the character of the existing neighborhood and the area/configuration of the lot.

In addition, staff notes that the existing garage structure is not proposed to be modified or replaced. At dimensions of 12 feet width by 25 feet deep that garage structure does not meet contemporary standards. The existing garage structure is also located partially within the 32<sup>nd</sup> St right-of-way, and 5 feet from the west property line. We anticipate that a alternative garage solution would not be far in the future for this parcel, and suggest that a legally-conforming garage solution should be applied for and approved along with the house.

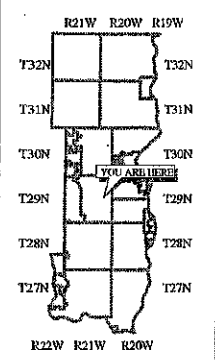
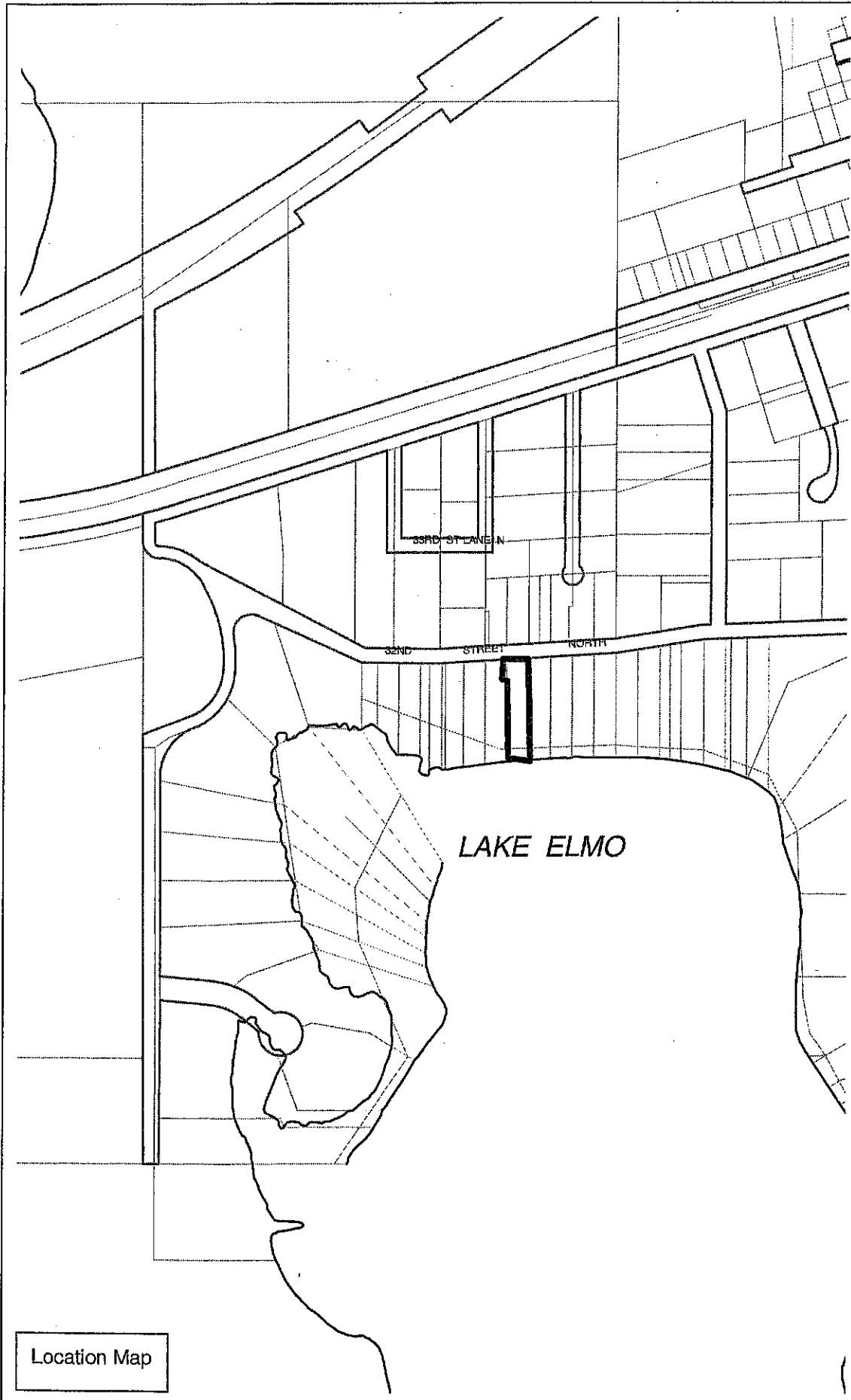
**Planning Commission Actions Requested:**

As we have in several similar past circumstances, staff suggests the Commission provide the applicant an opportunity to request a tabling of these variance applications to enable the applicant to consider the Commission's positions on the issues here raised. Perhaps the applicant can address redesign and reduction of scale (along with a garage solution) that can either reduce the scale of variance requested or eliminate at least one of the variances. In the alternative, the Commission could adopt a recommendation to the City Council that the variances be denied as presented based on the Findings noted above or other Findings as appropriate.

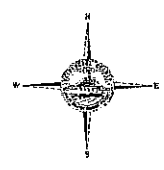


**Attachments:**

1. Location Map
2. City Engineer's Memo of February 1, 2002
3. Applicants's Documentation



Vicinity Map

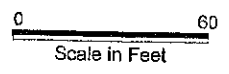
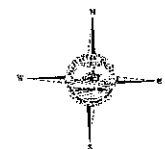
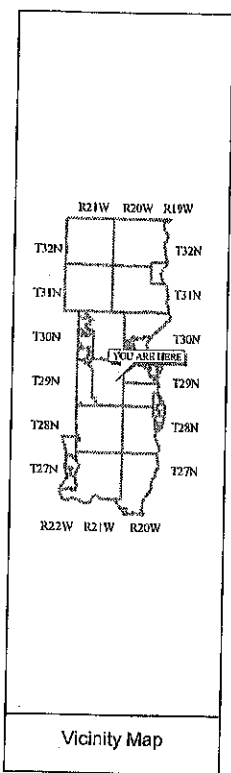
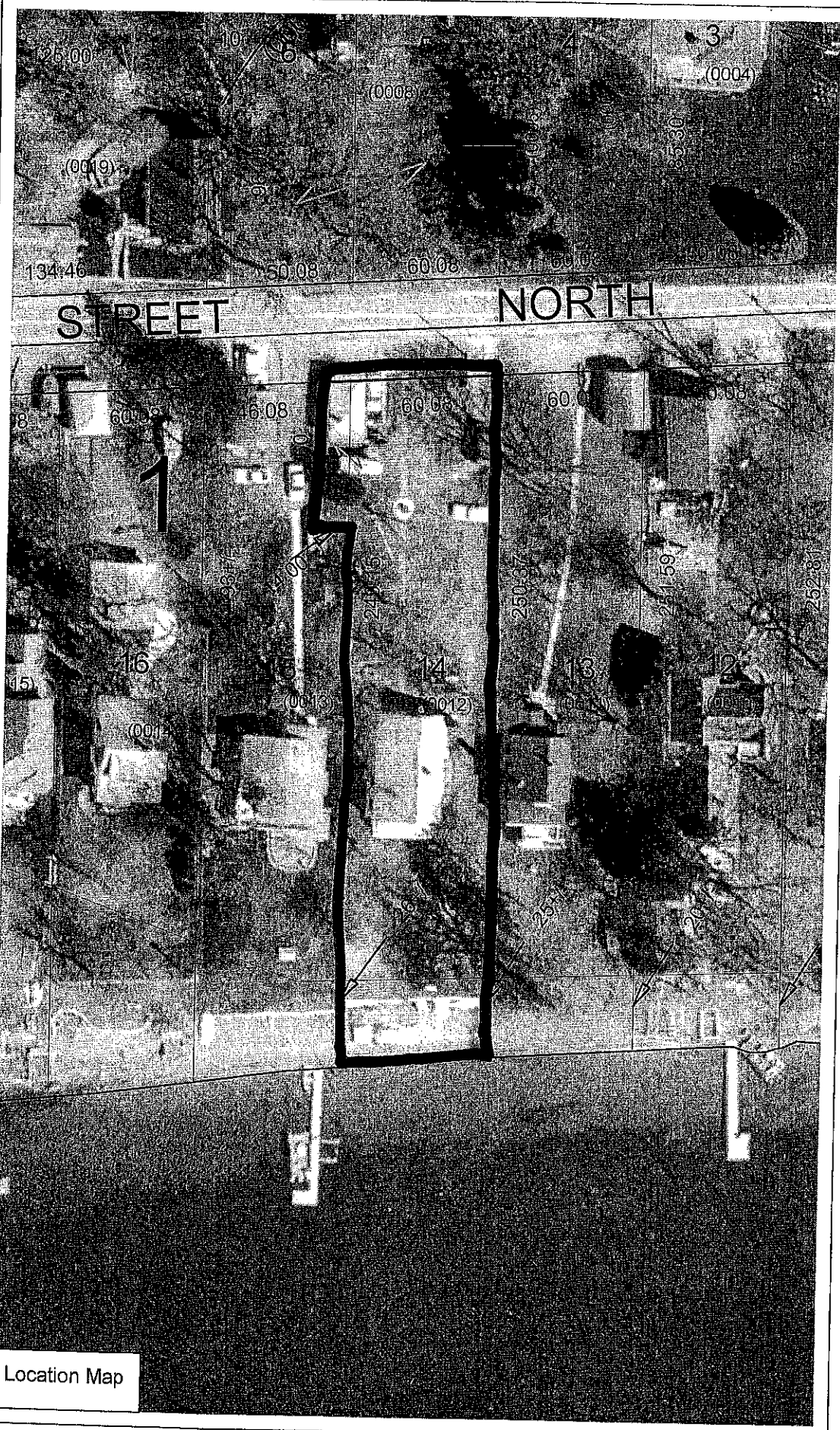


Location Map

This drawing is the result of a completion 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 (551) 430-8875

Parcel data based on AS400 information



*14.029.21.44.0012*

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 (551) 430-6876

Parcel data based on AS-400 information

November 22, 2005



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

Re: Hutton Home Re-Construction Adjacent to Lake Elmo, 10941 32<sup>nd</sup> Street North

Dear Mr. Dillerud:

Thank you for submitting the variance request for the above-referenced project. The project appears to involve demolishing an existing home and constructing a larger home.

Because the proposed project appears to involve work below the 100-year flood level of Lake Elmo (Elevation 891.0), a Valley Branch Watershed District (VBWD) permit will be required. The landowners should submit a complete permit application packet to me. Permit application materials can be obtained from the VBWD's website, [www.vbwd.org](http://www.vbwd.org), or from me.

Once a complete VBWD permit application is submitted, I will review the project for conformance to the VBWD's rules and regulations, including minimum floor elevations, fill below the 100-year flood level of Lake Elmo, and erosion controls. The minimum (basement) floor of the new home should be no lower than Elevation 893.0. Fill placed below Elevation 891.0 is limited by the VBWD so that the cumulative effect of all fill will not raise the 100-year flood level of the lake. If no fill has previously been placed at this property, the landowners will be allowed to place up to 2.65 cubic yards of fill per linear foot of shoreline on the property. Erosion controls should be installed prior to any earthwork to prevent negative water quality impacts.

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

Sincerely,

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

c: David Bucheck, VBWD President (via e-mail)  
Debbie Smith-Hutton and Ardel Hutton, property owners



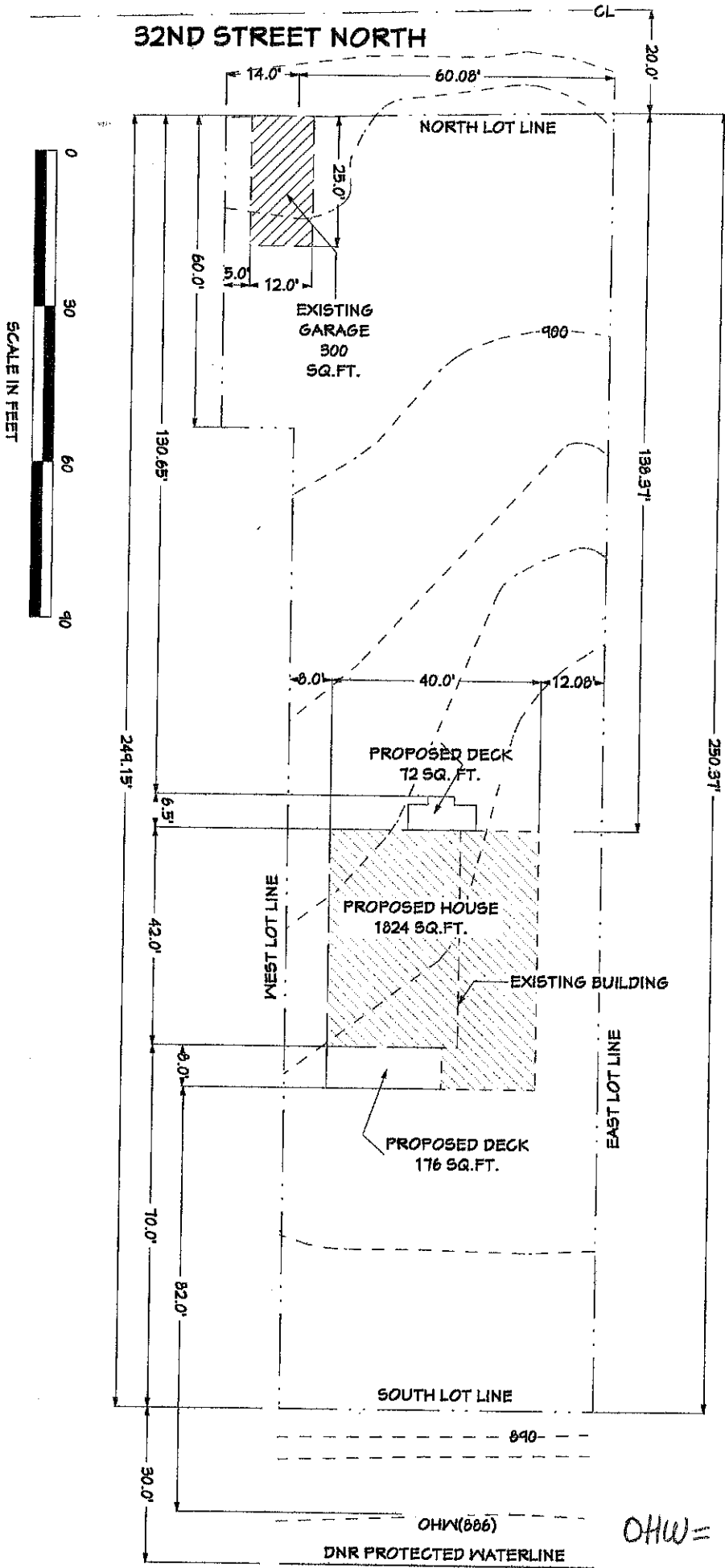
DAVID BUCHECK   LINCOLN FETCHER   DONALD SCHEEL   DALE BORASH   DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT  
P.O. BOX 838

[www.vbwd.org](http://www.vbwd.org)  
LAKE ELMO, MINNESOTA 55042-0538



**32ND STREET NORTH**



**LEGEND:**  
 --- STREET CENTERLINE  
 --- PROPERTY LINE  
 - - - 2 FOOT INTERVAL CONTOUR

**NOTE:**  
 LOCATION OF EXISTING BUILDINGS, LOT LINES &  
 CONTOURS TAKEN FROM WASHINGTON COUNTY  
 SURVEY RECORDS & AERIAL PHOTOGRAPHS.

**SITE PLAN**

**LOT DESCRIPTION**  
 10941 32ND STREET NORTH  
 LAKE ELMO, MN  
 LOT # 14

**PRELIMINARY DRAWINGS**

Scale: 1" = 30'

Ardell & Deborah Hutton  
 11108 32nd St. N, Lake Elmo, MN

RECEIVED  
 NOV 08 2005

15,073

NEW HOME - PLAN B  
 Design & Drafting Services by John Mandell - 651 489 4974

REV. 0 11/1/05  
 Page # 8 of 8

OHW = 885.6 KAS

Ardell & Deborah Hutton  
11108 32nd St. N, Lake Elmo, MN

NOV 08 2005

# FRONT ELEVATION

NOT TO SCALE

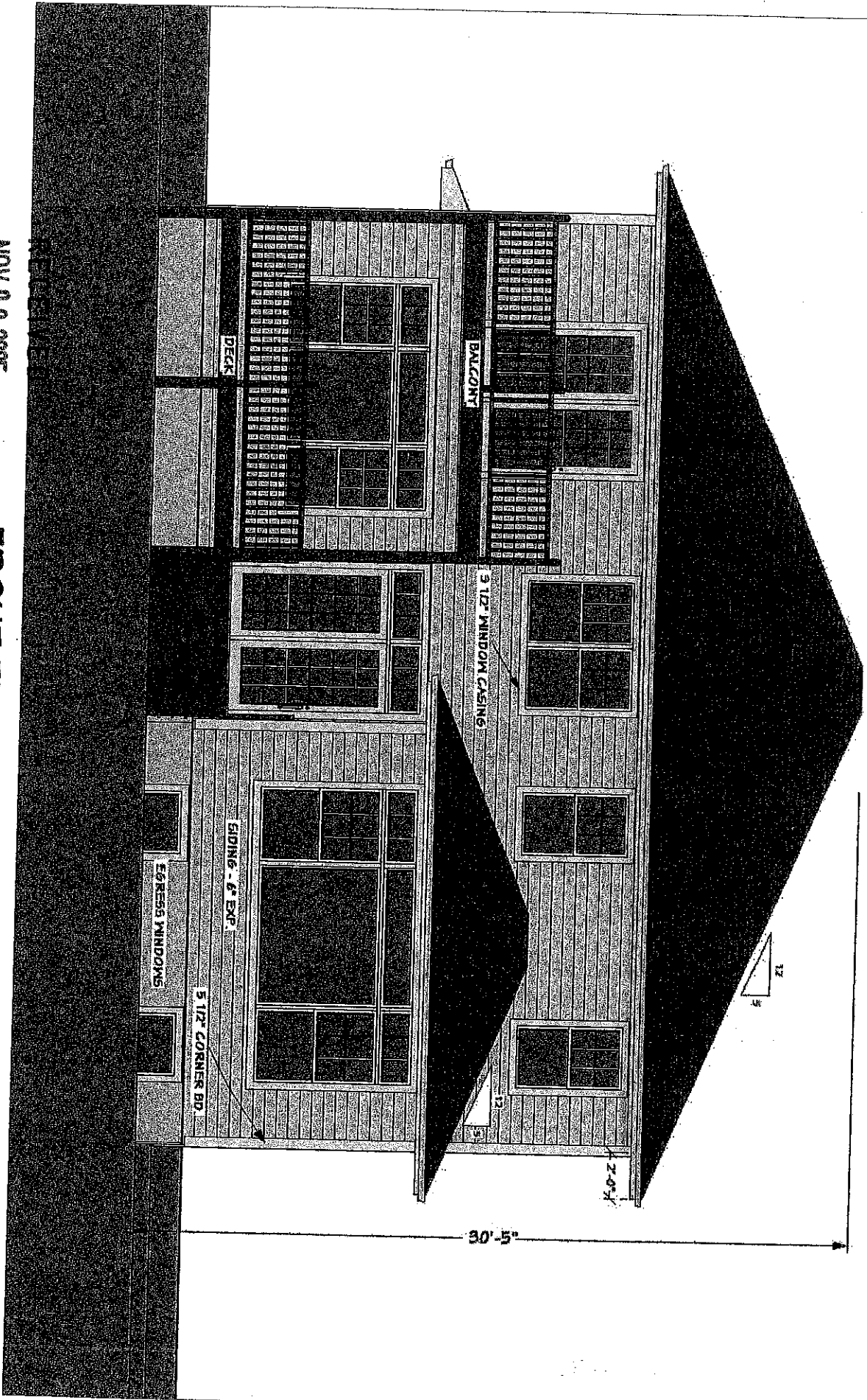
## PRELIMINARY DRAWINGS

NEW HOME - PLAN B

Design & Drafting Services by John Mandell - 651 489 4474

REV. 0 11/1/05

Page # 3 of 3



30'-5"

Lake Elmo  
City Council  
December 20,  
2005

Agenda Section: Planning, Land Use and Zoning

No. 9G

**Agenda Item:** Eurasian Milfoil in Lake Elmo

**Background Information for December 20, 2005:**

At the December 13 Council Committee meetings staff reported that Eurasian Milfoil had been detected at the north end of Lake Elmo in June, 2005. They further reported that the Valley Branch Watershed District Board had requested a report from its engineer on the problem. The District Engineer had provided the Board with a comprehensive program for both monitoring, public education and (possibly) eradication of the invasive weed. Unfortunately MnDNR has found Eurasian Milfoil to be both invasive and evasive. Previous attempts to eradicate in other Minnesota water bodies have met with limited success or no success whatever – short of repeated harvesting (maybe Eurasian Milfoil could become Minnesota's new renewable energy crop). The VBWSD Board appears to be leaning toward a public education program rather than attempts at eradication.

The Council Committee suggested that City staff contact the Washington County Park administrators requesting enhanced monitoring of the public boat launch on Lake Elmo to eliminate further introduction of the Milfoil to the lake.

**Action items:**

Motion directing staff regarding Eurasian Milfoil in Lake Elmo.

**Person responsible:**

  
City Planner

**Attachments:**

None

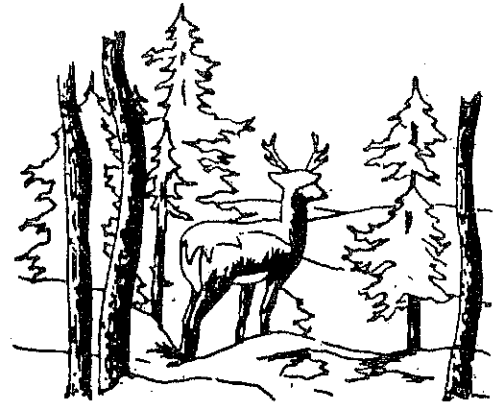
**Time Allocated:**

cc: Marty, Chuck, Drew, Jim

October 31, 2005

Mr. Martin Rafferty  
City of Lake Elmo Administrator  
3800 Laverne Avenue North  
Lake Elmo, MN 55042

RECEIVED  
NOV 02 2005



**Re: Eurasian Watermilfoil in Lake Elmo**

Dear Mr. Rafferty:

The Valley Branch Watershed District has been monitoring the macrophytes (large aquatic plants) in Lake Elmo for several years. This year, the Valley Branch Watershed District discovered Eurasian watermilfoil in the lake. Eurasian watermilfoil has few natural enemies or controls. Its ability to re-grow from small fragments and out-compete native aquatic plant species enables it to spread rapidly. Dense Eurasian watermilfoil mats alter water quality, provide good breeding grounds for mosquitoes, and interfere with recreational activities, such as swimming, boating, and waterskiing.

Enclosed is a memorandum that gives further background on Eurasian watermilfoil and other macrophytes found in Lake Elmo. The memorandum also lays out a process for developing a management plan. The memorandum will be sent via e-mail if you'd like to see color versions of the maps.

The Valley Branch Watershed District Board of Managers plans to hold a meeting in November to discuss the discovery of Eurasian watermilfoil in Lake Elmo, the problems it brings, and the process for implementing a management plan.

Sincerely,

David J. Buccheck, President  
Valley Branch Watershed District Board of Managers

- c: James Luger, Washington County Parks
- John Elholm, Washington County Parks
- Mike Polehna, Washington County Parks
- Cindy Weckwerth, Washington County Public Health & Environment
- Michael McDonough, Metropolitan Council Parks
- Randy Anhorn, Metropolitan Council
- Judy Sventek, Metropolitan Council
- Chuck Dillerud, City of Lake Elmo
- Jay Riggs, Washington Conservation District
- Wendy Griffin, Washington Conservation District
- Joel Stiras, Minnesota Department of Natural Resources
- Chip Welling, Minnesota Department of Natural Resources
- Travis Germundson, Minnesota Department of Natural Resources



DAVID BUCHECK    LINCOLN FETCHER    DONALD SCHEEL    DALE BORASH    DUANE JOHNSON

VALLEY BRANCH WATERSHED DISTRICT  
P.O. BOX 838

www.vbwd.org  
LAKE ELMO, MINNESOTA 55042-0538



Barr Engineering Company  
4700 West 77th Street • Minneapolis, MN 55435-4803  
Phone: 952-832-2600 • Fax: 952-832-2601

Minneapolis, MN • Hibbing, MN • Duluth, MN • Ann Arbor, MI • Jefferson City, MO

## Memorandum

**To:** Lake Elmo Agency Stakeholders  
**From:** John Hanson  
**Subject:** Lake Elmo Plant Management Work Plan  
**Date:** October 19, 2005  
**Project:** 23/82-016 6310 003

This memorandum gives background on undesirable exotic (non-native) macrophytes (large aquatic plants) in Lake Elmo and lays out a proposed work plan for managing the macrophytes in Lake Elmo.

### BACKGROUND

The draft Valley Branch Watershed District (VBWD) 2005-2015 Watershed Management Plan (Plan) discusses one exotic species of concern: curlyleaf pondweed (*Potamogeton crispus*). This summer another exotic species, Eurasian watermilfoil (*Myriophyllum spicatum*), was discovered in Lake Elmo. The following paragraphs give more information on these plants and their presence within Lake Elmo.

Macrophyte surveys were conducted in 1997, 2000, 2003, and 2005 at Lake Elmo. The VBWD has collected this macrophyte data to identify the conditions of plant growth throughout the lake. Macrophytes are the primary producers in the aquatic food chain, converting the basic chemical nutrients in water and soil into plant matter through photosynthesis, which becomes food for all other aquatic life. While macrophytes can adversely affect the recreational use of a water body, they are critical to the ecosystem as fish and wildlife habitat.

Figures summarizing the VBWD macrophyte survey information are attached.

A healthy, diverse plant community was found along the lake's periphery. Plants grew to depths of at least nine feet. Clean water species that are unable to survive in degraded conditions were among the nineteen to twenty five species observed during each plant survey. Pipewort (*Eriocaulon spp.*), which requires good clarity and sandy soils for growth, was observed on the west side of the lake during all surveys (Borman et al., 1997), except in 2005. Illinois pondweed (*Potamogeton illinoensis*), which requires fairly

To: Lake Elmo Agency Stakeholders  
From: John Hanson  
Subject: Lake Elmo Plant Management Work Plan  
Date: October 19, 2005  
Project: 23/82-016 6310 003

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good clarity, was found throughout the lake during all surveys (Borman et al., 1997). The presence of these species indicates the lake consistently has good water transparency, since they are not able to grow in turbid water (Borman et al., 1997).

#### **Eurasian Watermilfoil (*Myriophyllum spicatum*)**

Eurasian watermilfoil was first observed in Lake Elmo on June 20, 2005. Its growth was noted at the north end of the lake, in moderate- to heavy-densities. This exotic plant has few natural enemies or controls. Its ability to regrow from small fragments and out-compete native aquatic plant species enables it to spread rapidly. Dense growths of Eurasian watermilfoil may result in habitat degradation, prevent or make navigation difficult, and are an aesthetic nuisance.

#### **Curlyleaf pondweed (*Potamogeton crispus*)**

Despite the favorable attributes of Lake Elmo's plant community, the growth of one undesirable exotic (non-native) species, curlyleaf pondweed (*Potamogeton crispus*), is of concern. Once a lake becomes infested with curlyleaf pondweed, this plant typically displaces native vegetation, thereby increasing its coverage and density. Curlyleaf pondweed begins growing in late August, grows throughout the winter at a slow rate, grows rapidly in the spring, and dies in early summer. Lake Elmo, however, has not followed the pattern of increased density and coverage over time. Curlyleaf pondweed coverage and density in Lake Elmo did not increase during the 1997 through 2005 period. During all June sample events, light growths were observed throughout the lake's periphery, and light to moderate growths were observed on the northeast side of the lake. Less growth occurred in August than June due to this plant's annual growth cycle, which ends in late June and begins again in late August. Late August samples collected in Lake Elmo during 1997 and 2000 noted only a light growth in only one location. 2003 samples were collected in mid-August before this plant begins its annual growth cycle, and curlyleaf pondweed was not observed in Lake Elmo. Because curlyleaf pondweed coverage and density have not increased over time, no management is probably necessary at this time. However, the macrophyte community should be surveyed and curlyleaf pondweed coverage and density evaluated approximately every three years to determine whether adverse changes are occurring.

**To:** Lake Elmo Agency Stakeholders  
**From:** John Hanson  
**Subject:** Lake Elmo Plant Management Work Plan  
**Date:** October 19, 2005  
**Project:** 23/82-016 6310 003

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## **SUGGESTED PROCESS FOR DRAFTING A LAKE ELMO PLANT MANAGEMENT PLAN**

Developing a plan and managing the plants in Lake Elmo needs to involve all the stakeholders. It must involve the public and consensus (or at least informed consent) is needed for a successful program, especially if the public will be asked to contribute financially to the implementation program. Managing the plants in Lake Elmo will not be a one-time event; it will require a long-term commitment. The attached flowchart lays out a proposed process. Barr Engineering Company used a similar process for developing and implementing a plan for managing the macrophytes of Crystal Lake in Burnsville, and is currently using a similar process in developing a Silver Lake macrophyte management plan.

### **Step 1 – Meet with Agency Stakeholders**

The recommended first step in developing and implementing a plan for Lake Elmo is to hold a meeting with representatives from the various governmental organizations with interests in Lake Elmo. Representatives from Washington County Parks, Metropolitan Council, Lake Elmo, Washington Conservation District, VBWD, and the DNR should meet and discuss the history of the macrophytes, past management, the current situation, and potential management options in concept. Also at this meeting, a public meeting would be scheduled and assignments would be given.

### **Step 2 – Hold Public Meeting #1**

Notices for a public meeting would be sent out to all the owners of property adjacent to Lake Elmo. The VBWD could work with the newly formed Lake Elmo Improvement Association to publicize the meeting. At the public meeting, the agenda would likely cover these items:

1. Introductions of Various Governmental Agencies (5 minutes)
2. Discussion of Current Lake Conditions (10 minutes)
  - a. Vegetation Surveys
  - b. Vegetation Impacts on Water Quality
3. Main Topic of Concern (20 minutes)
  - a. Eurasian Watermilfoil
4. Issues, Goals, and Expectations (30 minutes)
  - a. Top 3 Issues/Person
  - b. Roundtable Discussion
  - c. Consensus on Goals and Expectations
5. Management Techniques (25 minutes)
  - a. Cutting
  - b. Herbicides
  - c. Alternatives
6. Next Steps

**To:** Lake Elmo Agency Stakeholders  
**From:** John Hansen  
**Subject:** Lake Elmo Plant Management Work Plan  
**Date:** October 19, 2005  
**Project:** 23/82-016 6310 003

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### **Optional Step 3 – Prepare and Send Questionnaire**

Depending on how well the public meeting is attended, a questionnaire might be needed to ensure the issues of the lakefront owners are heard. Attached is an example (with results indicated) of the Silver Lake survey.

*(For the Silver Lake plan, the VBWD Managers suggested conducting the questionnaire before and after the public meeting.)*

### **Step 4 – Contact Harvester and/or Chemical Applicator**

The final management plan will not be complete in time to implement actions in 2006. Because there are only a few reputable harvestors, they should be contacted by mid-January to schedule work in 2006. The Advisory Committee (Step 5) will need to determine the appropriate management in 2006 before the management plan is finalized.

### **Step 5 – Form an Advisory Committee**

An Advisory Committee, made up the stakeholders listed in Step 1 and representatives from the lakefront owners and/or the Lake Elmo Improvement Association, should be formed to review the public meeting (and questionnaire) results, to review future drafts before getting more public input, and to develop the 2006 management plan.

### **Step 7 – Review Meeting (and Questionnaire) Results**

The Advisory Committee would review the meeting (and questionnaire) results and make get consensus on the goals and expectations for managing the plants in Lake Elmo. The agenda of this meeting would likely include these items:

1. Review Meeting and Questionnaire Results
2. Review Priority Management Areas
3. Review Financial Aspects of Management
  - a. Total Costs
  - b. Cost Sharing Opportunities
  - c. Volunteer Opportunities
4. Outline Management Processes/Logistics
  - a. Responsible Parties for Coordination/Permits
    - i. Harvesting
    - ii. Chemical Applications
    - iii. Education Materials
    - iv. Assessments



To: Lake Elmo Agency Stakeholders  
From: John Hanson  
Subject: Lake Elmo Plant Management Work Plan  
Date: October 19, 2005  
Project: 23/82-016 6310 003

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5. Determine Appropriate 2006 Management Methods
6. Next Steps

#### **Step 8 – Develop Draft Plant Management Plan**

The VBWD would review the Lake Elmo data and management technologies, evaluate whether the technologies would achieve the goals, and draft a plan. The plan would lay out the management activities and define the roles and responsibilities of the stakeholders.

#### **Step 9 – Review Draft Plan with Advisory Committee**

The Advisory Committee would review the draft plan and provide comments to the VBWD. The 2<sup>nd</sup> Public Meeting (Step 11) would also be planned.

#### **Step 10 – Generate 2<sup>nd</sup> Draft Plan**

The VBWD would address the comments of the Advisory Committee and generate a 2<sup>nd</sup> draft plan.

#### **Step 11 – Hold Public Meeting #2**

The 2<sup>nd</sup> draft plan would be discussed at a 2<sup>nd</sup> public meeting.

#### **Step 12 – Finalize Plan**

Based on the comments at the 2<sup>nd</sup> public meeting, the plan will be finalized.

#### **Step 13 – Contact Harvester and/or Chemical Applicator**

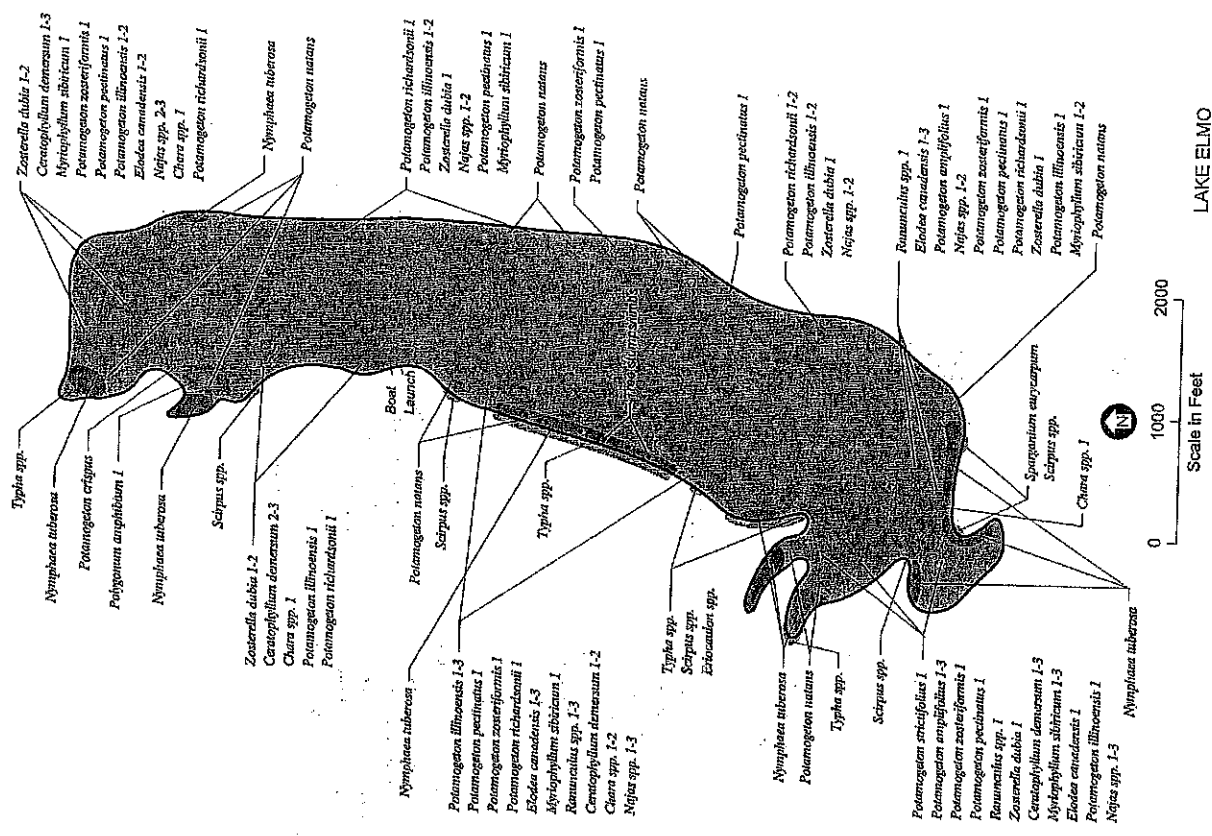
There are only a few reputable harvestors so they should be contacted by mid-January to schedule work.

#### **Step 14 – Obtain Permits and Implement Plan**

- No macrophytes found in water > 9-11 feet
- Macrophyte densities estimated as follows: 1 = light; 2 = moderate; 3 = heavy

Common Name	Scientific Name
Narrowleaf pondweed	<i>Potamogeton strictifolius</i>
Large-leaf pondweed	<i>Potamogeton amplifolius</i>
Clasping leaf pondweed	<i>Potamogeton richardsonii</i>
Curlyleaf pondweed	<i>Potamogeton crispus</i>
Flatstem pondweed	<i>Potamogeton zosteriformis</i>
Sago pondweed	<i>Potamogeton pectinatus</i>
Pondweed	<i>Potamogeton illinoensis</i>
Butter cup	<i>Ranunculus spp.</i>
Coottail	<i>Ceratophyllum demersum</i>
Elodea	<i>Elodea canadensis</i>
Muskgrass	<i>Chara spp.</i>
Bufty pondweed and naiad	<i>Najas spp.</i>
Northern water milfoil	<i>Myriophyllum sibiricum</i>
Pipewort	<i>Eriocaulon spp.</i>
Water stargrass	<i>Zosterella dubia</i>
Floating leaf pondweed	<i>Potamogeton natans</i>

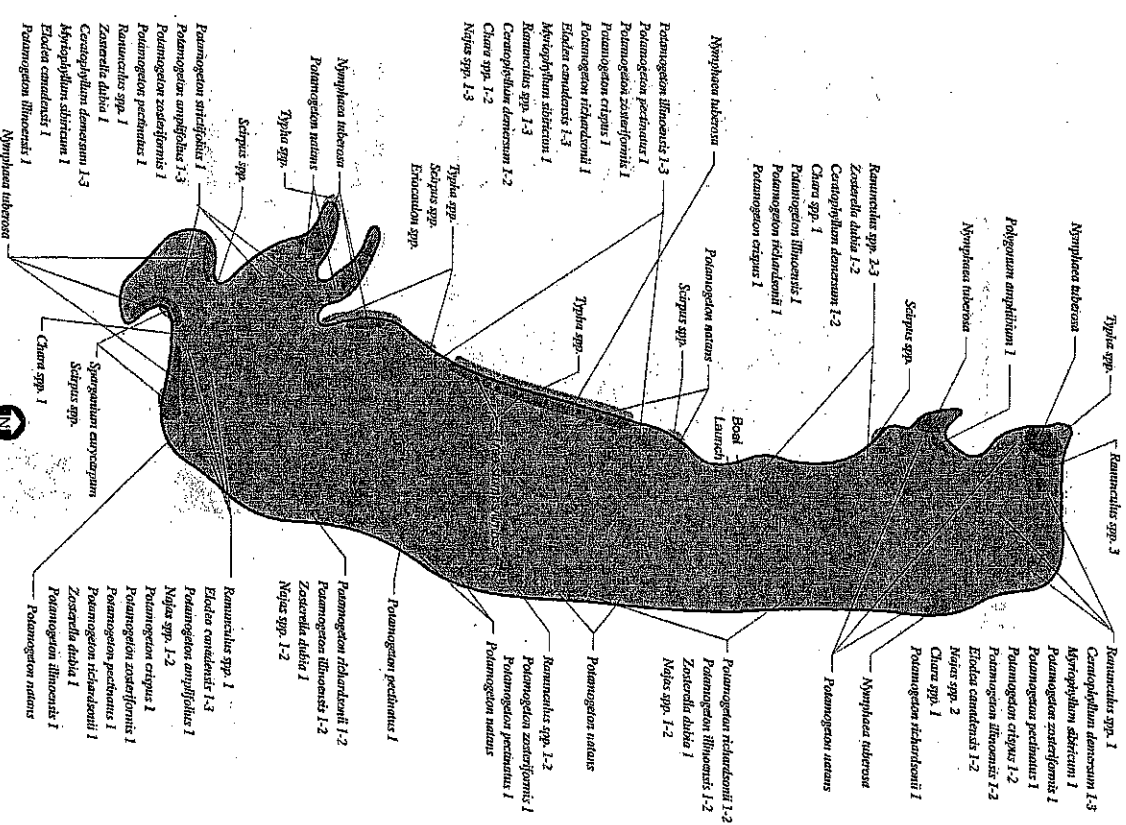
Floating Leaf:	White waterlily Water smartweed
Emergent:	Bulrush Cattail Ciant burr-reed
No Aquatic Vegetation Found:	



LAKE ELMO  
MACROPHYTE SURVEY  
AUGUST 26, 1997

- No macrophytes found in water > 9-11 feet
- Macrophyte densities estimated as follows: 1 = light; 2 = moderate; 3 = heavy

Common Name	Scientific Name
Narrowleaf pondweed	<i>Potamogeton strictifolius</i>
Large-leaf pondweed	<i>Potamogeton amplifolius</i>
Clasping leaf pondweed	<i>Potamogeton rickardsonii</i>
Curlyleaf pondweed	<i>Potamogeton crispus</i>
Flatstem pondweed	<i>Potamogeton zosterifolius</i>
Sago pondweed	<i>Potamogeton pectinatus</i>
Pondweed	<i>Potamogeton illinoensis</i>
Butter cup	<i>Ranunculus spp.</i>
Coontail	<i>Elodea canadensis</i>
Elodea	<i>Elodea canadensis</i>
Muskgrass	<i>Ciarra spp.</i>
Bushy pondweed and naiad	<i>Nojua spp.</i>
Northern water milfoil	<i>Myriophyllum sibiricum</i>
Pipewort	<i>Eriocaulon spp.</i>
Water star-grass*	<i>Zosterella alba</i>
Floating leaf pondweed	<i>Potamogeton natans</i>
White watercily	<i>Nymphaea tuberosa</i>
Water smartweed	<i>Polygonum amphibium</i>
Bulrush	<i>Scirpus spp.</i>
Cattail	<i>Typha spp.</i>
Giant burr-reed	<i>Sagittarium arifolium</i>



LAKE ELMO  
MACROPHYTE SURVEY  
JUNE 20, 1997

- No Macrophytes Found in Water > 9.0' - 11.0'
- Macrophyte Densities Estimated as Follows: 1 = Light; 2 = Moderate; 3 = Heavy

Common Name	Scientific Name
Illinois pondweed	<i>Potamogeton illinoensis</i>
Curtyleaf pondweed	<i>Potamogeton crispus</i>
Flatstem pondweed	<i>Potamogeton zosterifolius</i>
Large-leaf pondweed	<i>Potamogeton amplifolius</i>
Sago pondweed	<i>Potamogeton pectinatus</i>
Richardson's pondweed	<i>Potamogeton richardsonii</i>
Northern water milfoil	<i>Myriophyllum sibiricum</i>
Cootail	<i>Ceratophyllum demersum</i>
Elodea	<i>Elodea canadensis</i>
Muskgrass	<i>Chara spp.</i>
White water crowfoot	<i>Ranunculus spp.</i>
Water star grass	<i>Zosterella dubia</i>
Bushy pondweed and naiad	<i>Najas spp.</i>
Pipewort	<i>Eriocaulon spp.</i>
Floating leaf pondweed	<i>Potamogeton natans</i>

**Submerged Aquatic Plants:**



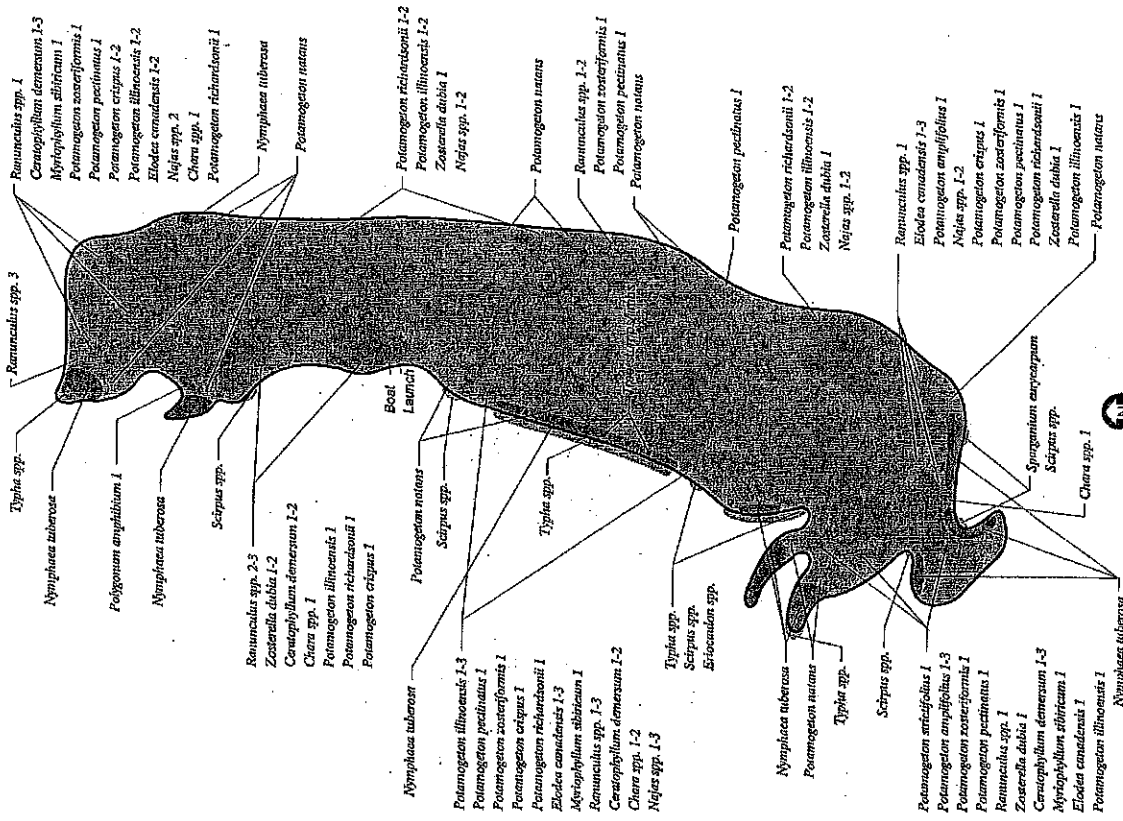
**Floating Leaf:**



**Emergent:**



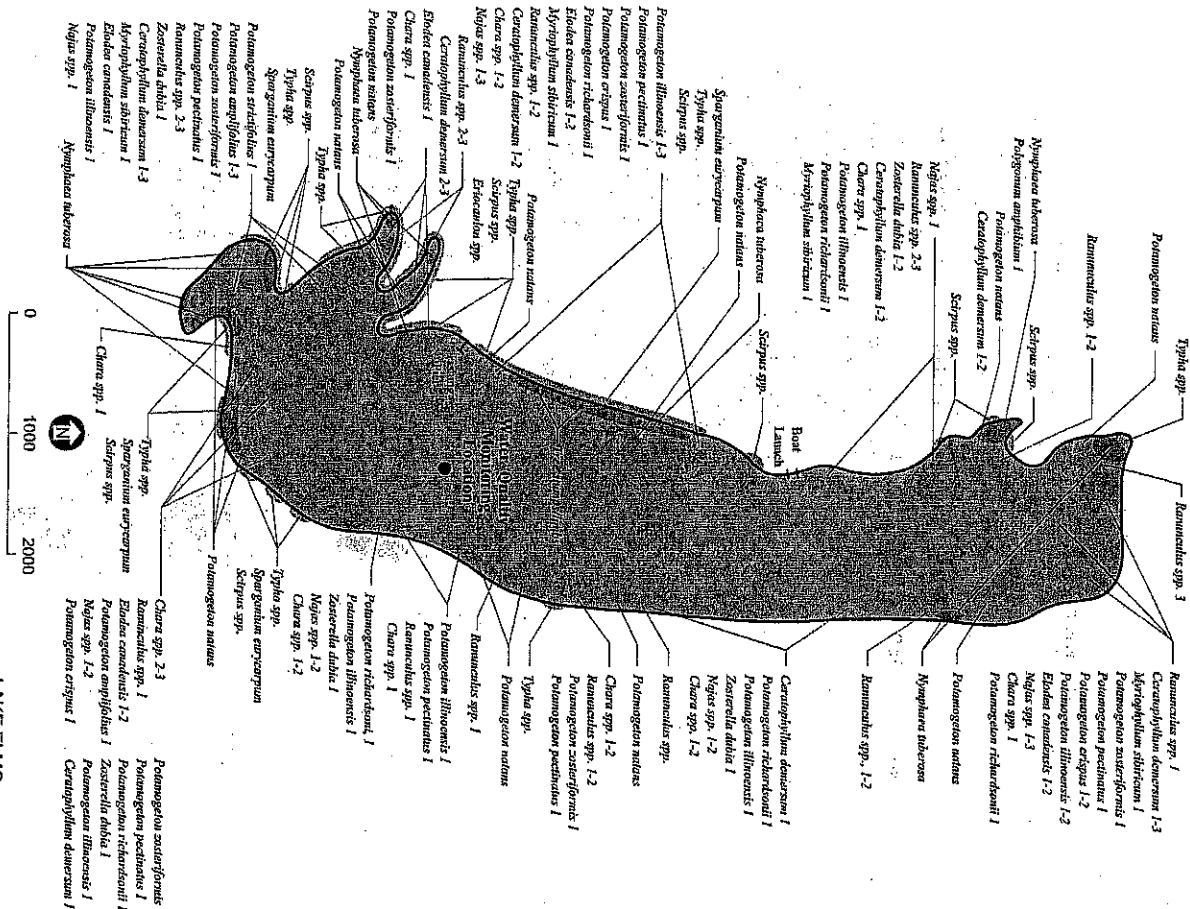
**No Aquatic Vegetation Found:**



LAKE ELMO  
MACROPHYTE SURVEY  
AUGUST 24, 2000

- No Macrophytes Found in Water > 9.0'-11.0'
- Macrophyte Densities Estimated as Follows: 1 = Light, 2 = Moderate, 3 = Heavy

Common Name	Scientific Name
Illinois pondweed	<i>Potamogeton illinoensis</i>
Curlyleaf pondweed	<i>Potamogeton crispus</i>
Flatstem pondweed	<i>Potamogeton zosteriformis</i>
Large leaf pondweed	<i>Potamogeton amplifolius</i>
Sago pondweed	<i>Potamogeton pectinatus</i>
Richardson's pondweed	<i>Potamogeton richardsonii</i>
Northern water milfoil	<i>Myriophyllum sibiricum</i>
Coontail	<i>Ceratophyllum demersum</i>
Elodea	<i>Elodea canadensis</i>
Muskgrass	<i>Chara spp.</i>
White water crowfoot	<i>Ranunculus spp.</i>
Water star grass	<i>Zosterella dubia</i>
Bushy pondweed and naiad	<i>Najas spp.</i>
Pipewort	<i>Ericacaulis spp.</i>
Bladderwort	<i>Utricularia spp.</i>
Floating leaf pondweed	<i>Potamogeton natans</i>
White water lily	<i>Nymphaea tuberosa</i>
Water smartweed	<i>Polygonum amphibium</i>
Butrush	<i>Scirpus spp.</i>
Cattail	<i>Typha spp.</i>
Giant burr-reed	<i>Sagittaria eurycarpum</i>



LAKE ELMO  
MACROPHYTE SURVEY  
JUNE 13, 2000





- No macrophytes found in water > 10.0'-11.0'. *Ceratophyllum demersum* at 15.0' - 20.0'
- Macrophyte densities estimated as follows: 1 = light; 2 = moderate; 3 = heavy
- *Eurasian water milfoil* identified in North end of lake, North of dotted line, heavier at shallow depths.

**Submerged Aquatic Plants:**

Common Name	Scientific Name
Illinois pondweed	<i>Potamogeton illinoensis</i>
Narrowleaf pondweed	<i>Potamogeton sp. (narrowleaf)</i>
Flatstem pondweed	<i>Potamogeton zosteriformis</i>
Large-leaf pondweed	<i>Potamogeton amplifolius</i>
Sago pondweed	<i>Potamogeton pectinatus</i>
Richardson's pondweed	<i>Potamogeton richardsonii</i>
Eurasian water milfoil	<i>Myriophyllum spicatum</i>
Northern water milfoil	<i>Myriophyllum sibiricum</i>
Coontail	<i>Ceratophyllum demersum</i>
Elodea	<i>Elodea canadensis</i>
Muskgrass	<i>Chara sp.</i>
White water crowfoot	<i>Ranunculus sp.</i>
Water star grass	<i>Zosterella dubia</i>
Bushy pondweed and naiad	<i>Najas sp.</i>
Floating leaf pondweed	<i>Potamogeton natans</i>
Cudyleaf pondweed	<i>Potamogeton crispus</i>

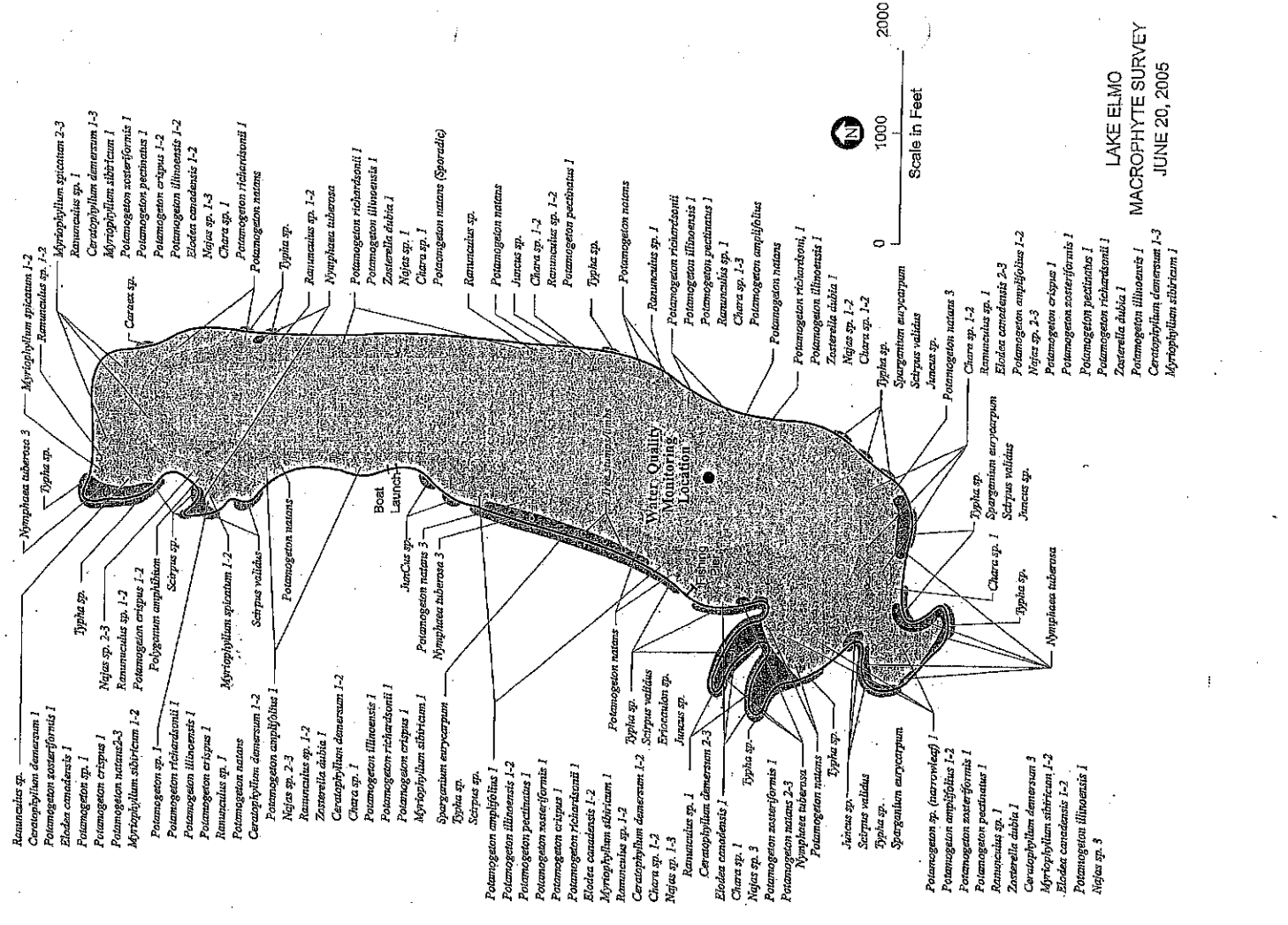
**Floating Leaf:**

White water lily	<i>Nymphaea tuberosa</i>
Yellow water lily	<i>Nephrar variegata</i>
Water smartweed	<i>Polygonum amphibium</i>

**Emergent:**

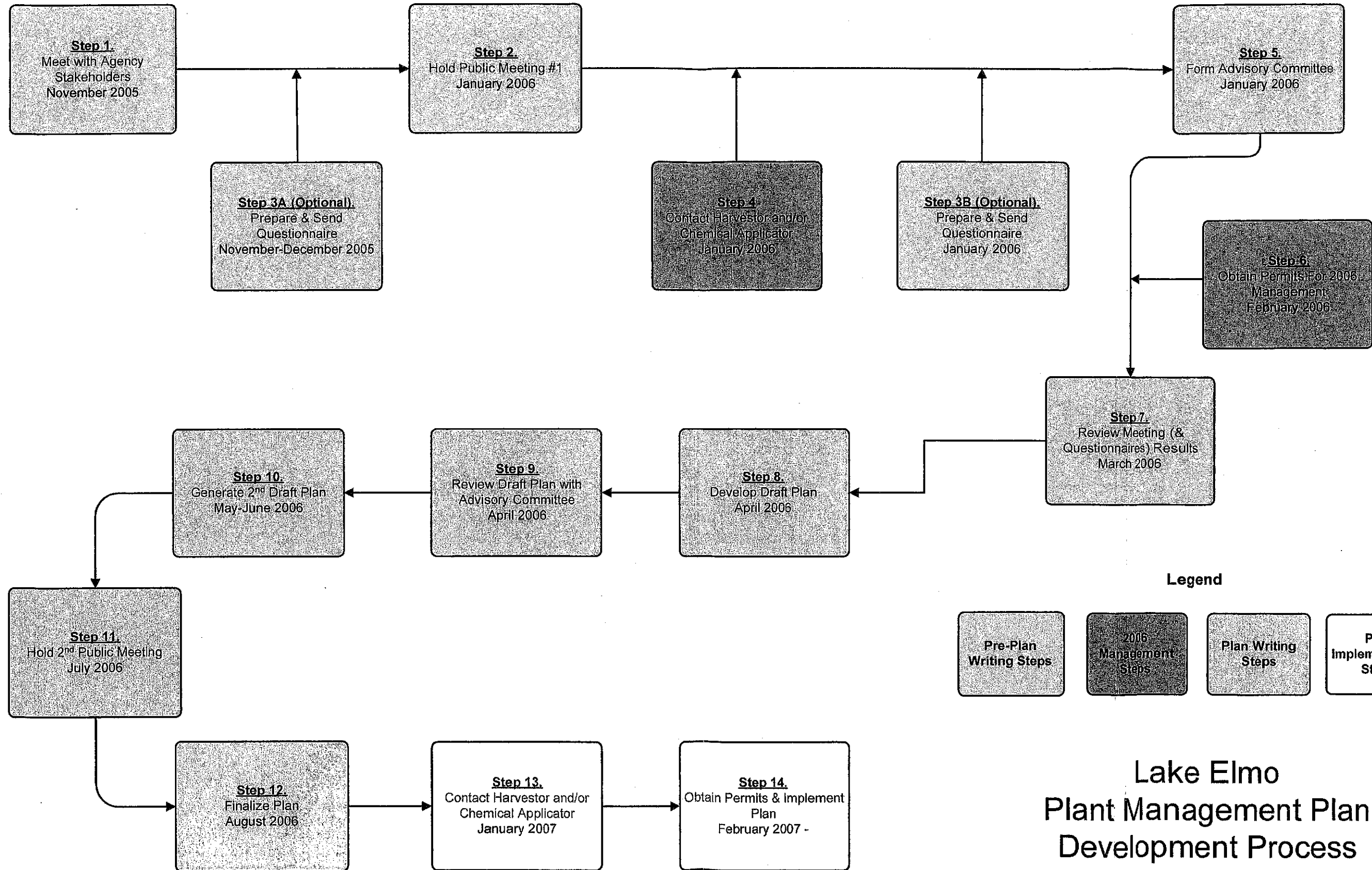
Bulrush	<i>Scirpus sp.</i>
Cattail	<i>Typha sp.</i>
Giant burr-reed	<i>Sparganium eurycarpum</i>
Soft stem bulrush	<i>Scirpus validus</i>
Soft rush	<i>Juncus sp.</i>
Sedge	<i>Carex sp.</i>

**No Aquatic Vegetation Found:**

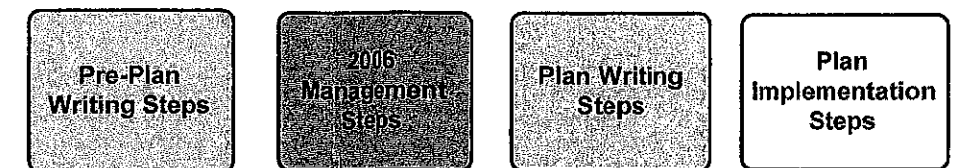


LAKE ELMO  
MACROPHYTE SURVEY  
JUNE 20, 2005





**Legend**



**Lake Elmo**  
**Plant Management Plan**  
**Development Process**  
**Valley Branch Watershed District**

## Silver Lake Aquatic Plant Questionnaire

**On-Line Responses: 16**

**Mailed-in Responses: 7**

1. Do you live on the lake or nearby? (check one)  
 10 On  
 13 Nearby
2. How many years have you been using Silver Lake?  
**Maximum: 66, Minimum: 2, Average: 22, Median: 24.3**
3. What do you enjoy most about the lake?  
(Check all that apply)  
 13 Swimming  
 8 Fishing/Ice fishing  
 6 Water sports  
 10 Boating/canoeing/sailing/etc.  
 17 Aesthetics and viewing wildlife  
 1 Other, please specify:

**Wish list -- walking path around lake**

**Too many geese - I counted 131 on 9-19 - and I'm not sure I got all of them. TOO MANY!!**

4. Because Silver Lake is shallow, has clear water, and is moderately fertile, there will be some type of plant growth in the lake. Aquatic plants are good for lakes. However, some aquatic plants can create nuisance conditions. In general, do you consider the aquatic plants in Silver Lake are at acceptable levels or a nuisance level (e.g. they restrict your use and/or enjoyment of the lake)?  
(Check one)  
 1 Acceptable  
 20 Nuisance

Please elaborate if you checked nuisance:

How is it a nuisance?

**It is filled with weeds. This year it has been horrible. I kayak in the lake as often as I can and the weeds make it difficult to paddle.**

**The weeds form large, very ugly patches over the lake particularly when water levels are low. They are an impediment to canoes & kayaks.**

**I feel sometimes 70 percent of the lake is covered with weeds making hard to even drive a boat on the lake. Also when ice fishing the lake being as shallow as it is the weeds come right up to the bottom of the ice.**

**hamper the lake appearance**

**Interferes or prevents swimming, watersports, boating/canoeing/sailing, and degrades aesthetics.**

**Weeds are choking out the lake. Can't swim. Canoe paddles get stuck. Don't want to**

fall in.

looks bad

Weeds

The weeds are very noticeable, especially the red ones east of the pier.

The swimming area is often too weedy for comfort.

It is an eyesore and causes difficulty with boating. I noticed a problem at the Ice Cream social with the waterski show.

There are many exotic weeds choking out the useful ones. Also, there is such an abundance that it is common to get weeds hooked on your line.

The weeds have grown so thick it is hard to swim through or paddle through. The weeds clog the motor.

You get wrapped up in them when swimming.

It is hard for boats to get through them.

When trying to fish you get caught up in weeds.

Racking the weeds constantly off of our shoreline

An abundance of plants near the fishing dock sometimes interferes with successful fishing. Cut plants drift into beach area and are unpleasant to swimmers.

You can walk on the weeds

Unightly

Float into swimming area - sometimes make it hard to canoe across - sometimes too weedy to sailboard

Many weeds come into shore and require extensive clean up. Some years are worse than others.

Shoreline is reduced

Too thick, unfishable

When (what time of year) is it a nuisance?

This year it has been all year. Even spring was bad.

From late spring to when it ices over

all 4 seasons

late spring

Ice out to first freeze.

**Spring, summer, fall**

**all summer**

**mid summer**

**Summer time.**

**Summer**

**All year long.**

**Almost all summer.**

**Mostly in the spring early summer. But it is pretty much the entire summer - it may have gotten a little better in August. But then there was milfoil we did have any near our house.**

**Spring & early summer**

**May, June, July, Aug, Sept**

**late summer**

**summer**

**Over the years, it has been in the spring sometimes, summer sometimes & fall sometimes**

**July, August, (Dog Days)**

**spring-fall**

**Where (what parts of the lake) is it a nuisance?**

**The entire lake. In the deepest part of the lake the weeds may not show above water but they're there.**

**There are beds of these weeds, (milfoil), over most of the lake, but the weeds seem to be worst on the Northeast half of the lake.**

**Pretty much the whole lake besides the deep[er] hole on the one side and that is a small portion of the lake**

**south shore**

**Increasingly lake wide.**

**Everywhere; even in the deepest part**

**all over**

**Bays**

**east of the long dock, and in the bay by the swimming beach**

Public swimming area.

Some at the boat launch but mostly where the ski show was located on the SE side of the lake. Swimming area is fine. (Thanks!!)

All over the lake but especially in areas close to shore.

Honestly, it is everywhere. From the beach area, to the water show area, in front of the pier, in the middle, etc.

The entire lake except for the deep hole in the middle of the lake.

the south end near Silver Lake Park

All

southern and northern shores

park side (south)

Especially the south end (park and beach) of the lake.

All shoreline, out to 60 feet

all

How bad of a nuisance is it?

I don't know how this can be safe for people who use the lake. I would think it would be easy to get tangled in the weeds. I know the water skiers have had a tough time and I watched a dog struggle as he tried to retrieve a ball.

It could be dangerous to humans & animals. My wife kayaks on this lake. Rather than floating over these weed beds she has to push & drag the kayak to a patch of open water. I've seen animals struggle in the weeds and kids have trouble when they fall or

Very. I took my boat out this summer and could only drive it 50 yards before having to lift my motor and take weeds of the prop.

Could it be fixed!

It is worse now than it has been for the last 45 years.

It's getting very bad

Bad

Very

it seems to get worse each year until the weeds are cleared out for the ice cream social

Minor, but a deterrent to using the lake.

Somewhat

I think that it is a severe problem and it will only get worse in years to come.

I think it is a dangerous situation for swimmers.

Bad. They really make the lake unenjoyable

Moderate

It couldn't get worse

fairly

For me, a minor nuisance - for others who want to be on water more, a bigger nuisance

It's a problem for swimming and boating. It detracts from the beauty of the lake.

Boat navigation gets very limited

A lot

5. Since you began using Silver Lake, the abundance of nuisance aquatic plants has:

- 0 Decreased
- 1 Remained the same/Can't tell a difference
- 19 Increased
- 1 Don't know
- 1 Other, please specify:

But varies with seasons, and this year it seems that there has been less algae

Our love for lawn fertilizers seems to increase plant life in Silver Lake. Do lake front owners have buffers between their lawns and the lake? Do we need mandatory curbs on fertilizer use?

Over the 42 years we've lived here some years it increases and some years it has decreased. One year we even unable to use a nearly flat bottom sailboat. That year the appearance would make you think you could walk across it.

6. If you could manage the aquatic plants in Silver Lake, what method would you prefer? (Check only one)

- 1 Existing conditions are acceptable
- 7 Reduce nuisance aquatic plant growth by mechanical harvesting
- 4 Reduce nuisance aquatic plant growth by using chemicals
- 5 Reduce nuisance aquatic plant growth by mechanical harvesting and by using chemicals
- 4 I don't have enough information to have a clear opinion

Please check here  5 if you would like more information on the aquatic plant management options.

7. Are you currently harvesting or treating aquatic plants in Silver Lake?  
(Check all that apply)

15 No

3 Yes, I harvest plants. Please specify the frequency:

**weekly, weekly**

**Daily to weekly. We remove the plants and haul away.**

4 Yes, I use chemicals (or hire somebody to use chemicals). Please specify the frequency:

**Whenever I can afford it.**

**Yearly, if I can afford it.**

**2x**

8. Managing the aquatic plants in Silver Lake could cost about \$30,000 per year. If the aquatic plants are managed in Silver Lake, who do you think should pay for controlling nuisance plants?

(Check all that apply)

14 North St. Paul & Maplewood

17 Ramsey County

13 Valley Branch Watershed District

11 the State of Minnesota

10 the lakeshore property owners

6 Other: please specify

**The lakeshore owners who use fertilizer on their lawns should pay because it drains into the lake and makes the plants grow more abundantly.**

**Oakdale.**

**Volunteers could rake the lake.**

**N. St. Paul or donations**

**Oakdale**

**We all enjoy & benefit from it. We all should help pay for it.**

**lakeshore property owners pay by hiring a contractor**

9. Would you be willing to contribute financially to manage the aquatic plants in Silver Lake?

18 Yes

3 No

10. If the aquatic plants in Silver Lake are managed, what do you believe would be a realistic goal?

0 Aquatic plants should not be managed

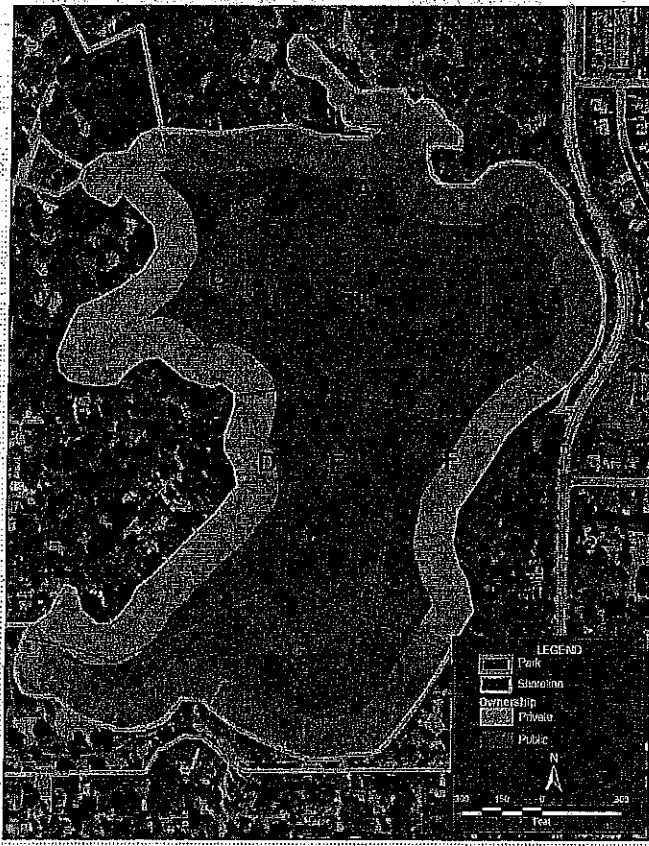
15 Maintain some aquatic plants throughout the lake, but below nuisance levels

2 Eliminate nuisance aquatic plants only in high-use recreational areas of the lake

2 Eliminate all aquatic plants

2 Other: please specify

11. Based on the areas shown on the map below and to the left, please rank the areas that should be given priority in managing nuisance aquatic plants by using the table below and to the right:



Area on Map	# of Responses	Priority Ranking (1 for first, 7 for last)			
		High	Low	Median	Mean
A	15	7	1	2	3.1
B	14	7	1	5	4.0
C	13	7	1	4.5	4.6
D	13	7	2	4	4.6
E	13	7	2	6	5.2
F	13	7	2	5	4.7
G	14	7	1	1	2.4

12. Please provide any additional comments.

This is a beautiful lake enjoyed by a variety of people. The amount of aquatic plant life currently in the lake can't be good for anyone. I try to kayak as often as I can to relieve stress. However the current condition of the lake adds stress.

Silver Lake is a wonderful resource that could be greatly improved with proper plant & wildfowl management. As it stands it's potentially dangerous and unattractive. I believe most of the milfoil problems have been created by the out of control wildfowl populations. Geese & ducks carry the "seeds" with them on their bodies and in their guano from lake to lake. The milfoil problem is not exclusively due to careless boaters. Harvesting of geese along with the milfoil should be an option.

The DNR does not appreciate the severity of the problem.

It is time to take action on Silver Lake. It will be choked if the week growth continues at this rate.

The geese are more of a nuisance than the plants. The geese contribute to the plant issue by giving the plants abundant fertilizer.

Unless all exotic plants are taken out, they will continue to multiply and grow.

It is hard to make a priority ranking when the whole lake is pretty much infested.



- I am definitely opposed to chemical treatment of the entire lake.
- Silver Lake is small. I am sure that: 1) the swimming beach can be kept weed free, 2) adequate areas for fishing can be identified and kept weed free.
- Interview those who fish the lake to identify other areas that should be cleaned by mechanical harvesting.
- On August 29, 2005, I decided to check on the abundance of plants in a portion of the lake larger than my usual swim at Silver Lake Park beach. I swam from the beach to the west end of Joy Park, usually about 30 yards from shore. See red line on map. The only region where I found masses of plants that interfered with swimming was the first 10 yards beyond the area that is usually roped off for swimmers. The whole rest of the way was clear water. Although I touched an individual leafy plant occasionally, there were no interference with swimming at the surface.

Most of the run-off I believe come from paved surfaces - oil, insecticides, food particles, etc. from beach & picnic areas, and especially the paved boat ramp on the north shore and the paved roads & driveways. Also run-off from lawns (fertilizers) minor influence. I hope (really) that the final decision is NOT to kill 100% of the weeds - with the result being the return of algae. Some weeds in a lake is much better/easier to live with than lake full of algae - which rates a "disgusting" rather than just a "nuisance."

We have observed in the years of mechanical harvesting that the cutting missed (and many are missed) develop roots which then increase plant growth.

1. Please fix heaved boat launch.
2. Add small dock at boat launch.

Optional: Name \_\_\_\_\_

Address \_\_\_\_\_

Deb Parker	5548 Golfviw Lane N, Oakdale
Dan Parker	5548 Golfview Lane N.
william dille	2471 Indian way
Paul Swan	2932 Lake Blvd
Lalor	2596 19th Ave E
Chuck Nelson	2694 Apache Road, North St. Paul, MN 55109
Karen Norgard and Rich Cannojer	2880 Lake Blvd, North St. Paul, 55109
Frank & Gloria Rangitsch	2767 Division St. N., North St. Paul, 55109
Dennis White	2547 13th Ave., North St. Paul, MN
Ron Johnson	2605 So Ave, North St. Paul, MN 55109

**Thank you for your input!**

<p>Lake Elmo City Council December 20, 2005</p>	<p>Agenda Section: CITY ATTORNEY'S REPORT</p>	<p><u>No. 10A.</u></p>
<p><b><u>Agenda Item:</u></b> Snowmobile Ordinance</p>		
<p>The City Attorney has drafted a snowmobile ordinance incorporating Minnesota Statutes specifically relating to snowmobiles and all-terrain vehicles. This ordinance repeals definitions included in Chapter 150 of the Municipal Code.</p> <p>Valdi Stefanson, Snowmobile Club, has received a copy of the draft ordinance.</p>		
<p><b><u>Action items:</u></b></p> <p>Motion _____ Second _____. To adopt Ordinance 97-164 An Ordinance Incorporating Minnesota Statutes Chapter 84; and Specifically Relating to the Snowmobiles and All-Terrain Vehicles within the City</p>	<p><b><u>Person responsible:</u></b></p>	
<p><b><u>Attachments:</u></b> Ordinance 97-164</p>	<p><b><u>Time Allocated:</u></b></p>	

CITY OF LAKE ELMO  
ORDINANCE NO. 97-164

AN ORDINANCE INCORPORATING MINNESOTA STATUTES CHAPTER 84; AND  
SPECIFICALLY RELATING TO THE SNOWMOBILES AND ALL-TERRAIN VEHICLES  
WITHIN THE CITY OF LAKE ELMO

THE LAKE ELMO CITY COUNCIL ORDAINS THAT CHAPTER 1011 IS HEREBY ADDED TO  
THE MUNICIPAL CODE TO READ AS FOLLOWS:

1011 Recreational Vehicles

1011.01     Incorporation by Reference. Provisions of Minnesota Statutes Chapter 84, as amended from time to time, shall be applicable to the City of Lake Elmo. In those cases where there is a conflict between the provisions of Minnesota Statutes Chapter 84 and this Chapter 1011, the more restrictive regulation shall apply.

1011.02     Definitions.

A.     All-Terrain Vehicle. All-Terrain Vehicle means a motorized floatation - tired vehicle of not less than three (3) low pressure tires, but not more than six (6) tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

B.     Snowmobile. Snowmobile means a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners.

1011.03     Regulations.

A.     No person shall operate a snowmobile or all-terrain vehicle on a public sidewalk or within the unimproved portion of a city street.

B.     No person shall operate a snowmobile or all-terrain vehicle on city owned property.

C.     No person shall operate a snowmobile or all-terrain vehicle between the hours of 11:00 p.m. and 7:00 a.m. provided that all-terrain vehicles may be used for snow plowing purposes during prohibited hours.

- D. No person shall operate a snowmobile or all-terrain vehicle within fifty feet (50') of a residential dwelling unless such operation occurs on property owned or occupied by the operator of the snowmobile or all terrain vehicle and such operation is for the purpose of accessing a public right-of-way from private property.
- E. No person shall operate a snowmobile or all-terrain vehicle within one hundred feet (100') of any fisherman, pedestrian, skating rink or sliding area.

**THE LAKE ELMO CITY COUNCIL HEREBY REPEALS CHAPTER 1010 AND ITS SUBDIVISIONS.**

The Lake Elmo City Council hereby repeals the following definitions which are included in Chapter 150 of the Municipal Code:

All-Terrain Vehicle (ATV)

Owner (Snowmobile and Recreational Vehicles)

Snowmobile

**ADOPTION DATE:** Passed by the Lake Elmo City Council on the 20th day of December, 2006.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
Dean Johnston  
Its: Mayor

ATTEST:

\_\_\_\_\_  
Martin Rafferty  
City Administrator

Lake Elmo  
City Council  
December 20,  
2005

Agenda Section: Fire Department

No. 11A.

**Agenda Item: Fire Chief in Full Time Status as of the January 1<sup>st</sup> 2006**

**Background Information:**

On September 24th of 2004 the City Council adopted Ord. 97-141 relating to the organization and operation of the Fire Department. This occurred after deficiencies in the City Code were identified relating to operational authority.

During the summer of 2005, I announced in writing and at the City Council meetings that I would be opening and posting for all officer positions allowing applications from the LEFD membership. Each Fire Department member received a written notice that all positions for officers were being opened for application and inviting each member to apply if they so choose. The notice also included that any of the positions could become part time or fulltime in the future.

Consistent with the Ord. 97-141, the Mayor and I designed a selection/interview process for the Chief's position including the establishment of the interview panel. The panel developed a series of questions for evaluating the candidate during the process. The interview panel recommended Chief Malmquist at conclusion of the process. He was confirmed by the City Council in September of 2005.

During the 2005 budget process, which just concluded, a full time Fire Chief's position was added and approved in the 2006 budget. Five major areas of management were sited as needed for next year and into the future. Those areas involve the overall management and maintenance of the fleet/facilities; design, management and deployment of human resources; public safety review and planning of new development; fire inspection planning and implementation of exiting development; and long term regional planning of public fire safety, emergency response and civil defense operations.

The full time manager (Fire Chief) that is allocated for 2006 is necessary to achieve the proposed goals as described and are anticipated to be partially financially self supporting by year end.

**Action Items:** Motion to hire Chief Gregory Malmquist as the Lake Elmo full time Fire Chief as of January 1 2006.

**Person responsible:**

Martin Rafferty, City Administrator

**Attachments:** Fire Chief Job Description

# LAKE ELMO FIRE DEPARTMENT

## JOB DESCRIPTION

### FIRE CHIEF

#### POSITION SUMMARY

The Chief of the Lake Elmo Fire Department shall be responsible for all operations of the Department, which shall include, but is not limited to administrative duties, training, coordination of vehicle, equipment and facility maintenance, fire prevention, planning and organizing firefighting activities, conduct inspections of new and existing buildings to ensure compliance with fire codes as well as local fire ordinances to minimize loss of life and property and to act as fire department liaison with the city and general public. The Chief shall be expected to serve as a leader of the Department, uphold, follow and enforce City Policies, Department Policies, Department Standard Operating Guidelines and oversee all management functions of the Department. Above and beyond all else, the employee shall be required to respond to alarms. In addition the Chief will:

- Manage personnel resources more efficiently. Plan for future staffing needs by actively recruiting and working with business community regarding potential support.
- Continue to build and strengthen relationships with neighboring agencies and work on long range regional approach to providing services.
- Will manage equipment and rolling stock. Will have the ability to better monitor repairs and maintenance, seek out the most qualified vendors and plan for future acquisitions.
- Provide code enforcement, plan review and annual business inspections. This will allow us to build a "pre-plan" database, identify potential hazards and build a relationship with the business community.
- Update emergency response and preparedness plans to meet current and future needs of the community.

This position is responsible for various duties within the Fire Department. These duties shall include, but are not limited to

## **SUPERVISION**

Must be able to work independently, exercise initiative and independent judgment. This position answers to and operates under the direction of the City Administrator. Oversee all personnel matters within the department.

Shall assume the role of Incident Commander on all scenes when appropriate.

## **ESSENTIAL FUNCTIONS**

### 1. Administrative activities.

- Shall ensure that the department meets all requirements set forth by the Federal, State, County, City of Lake Elmo, NFPA and OSHA. This shall include the filing of documents, filing of reports and complying with standards.
- Plan, organize and direct the overall operation of the Fire Department.
- Prepare the Fire Department annual budget through the collection of data and review of previous expenditures.
- Research, write, submit and ensure compliance with grants.
- Responsible for the development of policy or procedural changes.
- Ensure the security of administrative files to ensure compliance with data privacy requirements.
- Evaluate the effectiveness of services and programs.
- Assesses concerns of citizens / community.
- Update and maintain the records of the fire department.
- Shall attend or ensure that the department is represented at any required city or department meetings and any other association meetings which require department representation.

### 2. Training

- Responsible for the management and administration of the training and certification programs.
- Responsible for department training programs, establish and maintain minimum training standards.

- Responsible for the weekly training activities of the department.
- Maintain training records.
- Responsible for coordinating both outside instructors and members attending outside training.

### 3. Vehicles, Equipment and Facilities

- Responsible for purchasing of vehicles and equipment, (contacting vendors, delivery and pickup, writing specifications etc.)
- Ensure that vehicles and equipment are maintained. Setup scheduled maintenance, service calls, inspection and certifications as needed. Deliver and pickup vehicles and equipment for service. Maintain all required service records. Ensure fire stations are kept in good repair and order repairs as needed.

### 4. Fire Prevention

- Responsible for the continued evaluation and development fire prevention program.
- Responsible for the scheduling and promotion of fire prevention educational programs and events.
- Present fire prevention programs by addressing groups in the community.

### 5. Inspections/Investigations

- Plan, prioritize, and schedule fire inspection activities.
- Review past inspection reports.
- Contact owners for approval to conduct inspections.
- Conduct annual on-site inspections of structures and property.
- Review plans and proposals for all new construction.
- Conduct or ensure that proper fire investigations are conducted.
- Maintain all records.

### 6. Department Liaison

- Represent the Department on committees, at meetings and conferences as needed.
- Inform the Department of significant matters.



- Develop and maintain effective working relationships with City Staff, other agencies and the general public.
- The Chief shall at all times present a positive and constructive attitude and shall continually strive to improve morale and working relationships among personnel.

## **REQUIRED KNOWLEDGE, SKILLS AND ABILITIES**

- Knowledge of fire fighting equipment practices, principles, methods and techniques used in modern fire suppression.
- Knowledge of operations, services and activities of the Fire Department.
- Knowledge of and the ability to apply pertinent federal and state law and city ordinances.
- Knowledge of data privacy laws as they pertain to personnel records, reports and materials.
- Ability to communicate effectively both orally and in writing.
- Ability to learn and use computer programs, as well as other office equipment.
- Skilled in listening and problem solving.
- Must complete a minimum of 12 hours of continuing education outside the department annually.

## **PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit; talk or hear; stand; walk; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; and taste or smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 100 pounds. Specific vision abilities required by this job

include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

## **WORK ENVIRONMENT**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in office, vehicles, and outdoor settings, in all weather conditions, including temperature extremes, during day and night shifts. Work is often performed in emergency and stressful situations. Individual is exposed to hearing alarms and hazards associated with fighting fires and rendering emergency medical assistance, including smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents and oils.

The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually quiet in office settings, and loud at an emergency scene.

## **QUALIFICATIONS**

- High school education or equivalent.
- Minimum of 6 years firefighting experience.
- Firefighter II certification.
- Certified First Responder.
- Valid Minnesota Drivers License.
- Experience with Fire Inspection/Investigation.
- Has met the requirements of District Chief.

*(During the initial implementation of this job description, it may be necessary to waive a portion of the requirements. This determination will be based on the applications received and will be made by the City Administrator. However, any requirements that are waived MUST be completed within a reasonable amount of time, as determined by the City Administrator.)*