

FILE

City of Lake Elmo  
3800 Laverne Avenue North

**May 19, 2009**

7:00 p.m.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE:
- C. ATTENDANCE: \_\_\_ Johnston \_\_\_ DeLapp \_\_\_ Emmons \_\_\_ Park \_\_\_ Smith
- D. APPROVAL OF AGENDA: (The approved agenda is the order in which the City Council will do its business.)
- E. ORDER OF BUSINESS: (This is the way that the City Council runs its meetings so everyone attending the meeting or watching the meeting understands how the City Council does its public business.)
- F. GROUND RULES: (These are the rules of behavior that the City Council adopted for doing its public business.)
- G. APPROVE MINUTES:
  - 1. Consider approval of May 5, 2009 minutes
- H. PUBLIC COMMENTS/INQUIRIES: In order to be sure that anyone wishing to speak to the City Council is treated the same way, meeting attendees wishing to address the City Council on any items NOT on the regular agenda may speak for up to three minutes.
- I. CONSENT AGENDA: (Items are placed on the consent agenda by city staff and the Mayor because they are not anticipated to generate discussion. Items may be removed at City Council's request.)
  - 2. Approve payment of disbursements and payroll
  - 3. Ordinance Amendment: No-Wake Time Restrictions
- J. REGULAR AGENDA:
  - 4. Order for Enforcement Action on House Rehabilitation, 9224 31<sup>st</sup> Street North
  - 5. Request for Extension for Code Compliance, 5699 Keats Avenue North
  - 6. Comprehensive Plan: Transportation Chapter
  - 7. Process for Further Amendments to Comprehensive Plan
  - 8. Search Firm for City Administrator Recruitment
  - 9. Appreciation Activities for Military Service Personnel and Families

10. Consideration of Amendment to Agreement with Interim City Administrator

11. REPORTS AND ANNOUNCEMENTS:

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

- Mayor and City Council
- Administrator
- Planning Director

12. Adjourn

City of Lake Elmo  
City Council Minutes

May 5, 2009

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

Present: Mayor Johnston and Council Members DeLapp, Emmons (arrived at 7:04 p.m.), Park and Smith

Also present: Interim City Administrator Dawson, Planning Director Klatt, Consulting Planner Gozola, City Engineer Griffin, City Attorney Snyder, Finance Director Bouthilet and City Clerk Lumby

APPROVAL OF AGENDA:

*MOTION: Council Member Park moved to approve the May 5, 2009 agenda as presented. Council Member Smith seconded the motion. The motion passed 4-0.*

ORDER OF BUSINESS:

GROUND RULES:

APPROVED MINUTES:

The minutes of April 21, 2009, were approved by consensus.

PUBLIC COMMENTS/INQUIRIES:

Susan Dunn, 11018 Upper 33<sup>rd</sup> Street N., requested placement of the City Council agenda on cable channel 16 and asked the Council to consider the significant impact of the AUAR on the Old village.

Linda Thompson-Carpenter, 8050 DeMontreville Trail Circle N., asked the City to take the opportunity to plan for a pedestrian walkway when it takes over DeMontreville Trail (Cty Rd 13B) from Washington County. The roadway is too narrow and not safe for walking.

Deb Dean, 8028 Hill Trail N., stated DeMontreville Trail is heavily used by bikers, walkers, and is not safe. She asked that construction of a walking path from 50<sup>th</sup> Street to Highlands Trail be considered.

City Engineer Jack Griffin responded there has been discussion with Washington County Transportation for providing possible trail options.

CONSENT AGENDA:

*MOTION: Council Member Park moved to approve the Consent Agenda as presented, with the exception of Item No. 3. Council Member Smith seconded the motion. The motion passed 5-0.*

- Approve payment of disbursements and payroll in the amount of \$180,569.52
- Approve hiring of seasonal employees, John Eder and Logan Weir for the 2009 summer season
- Granting the Multiple Line Rights and Temporary Work Space Easements for Northern Natural Gas Pipeline
- General Fund transfer of lawful gambling proceeds of \$7,500 to Fall Festival Fund; Resolution No. 2009-017; Proclaiming the 2nd Annual Lake Elmo Fall Festival
- Approve Resolution No. 2009-018 in support of Sunfish Lake Park as a participant in the Minnesota DNR cross-country ski GIA program and Resolution No. 2009-019 in support of a Capital Improvement Project Grant application to the cross-country ski GIA program for the construction on an information kiosk
- Authorization to purchase plants and landscape materials for the May 30<sup>th</sup> Arbor Day/MnDOT Landscape Partnership Program planting project

Continuation of Consideration of Sign Ordinance

*MOTION: Council Member Smith moved to consider the sign ordinance as an agenda item at the June 9<sup>th</sup> Council Workshop. Council Member Park seconded the motion. The motion passed 5-0.*

REGULAR AGENDA:

Washington County Landfill Update

Doug Day and Jeff Lewis, Minnesota Pollution Control Agency (MPCA), gave an update on the remediation solution at the Washington County Landfill site in Lake Elmo. A public meeting will be held later this month with more detail on aspects of construction.

Purchase of equipment related to audio visual improvements for the Council Chambers

Carol Kriegler, Project Assistant, reported the City Council is being asked to authorize 1) the purchase of production-related audio visual equipment, an interactive lectern, and incidental materials and supplies related to the installation of the equipment by the Ramsey Washington Cable Commission technical staff and 2) the purchase of presentation-related audio visual equipment to include 3 monitors. The City is eligible to receive a one-time grant from the Commission in an amount not to exceed \$50,000 for the purchase and installation of production-related audio visual improvements for the council chambers. The purchase of 3 monitors is recommended, although these items are classified as presentation-related equipment and not eligible for reimbursement by the grant program. The funds would come from the City's capital equipment fund.

*MOTION: Council Member Park moved to authorize the purchase of grant-eligible, production-related audio visual equipment from Alpha Video, an interactive lectern, and necessary installation-related materials, supplies and equipment as deemed necessary by the RWCC technical staff at a total cost not to exceed \$49,375.00. Council Member Emmons seconded the motion. The motion passed 5-0.*

MOTION: Council Member Park moved to authorize the purchase of non-grant eligible, presentation-related audio visual equipment from Alpha Video in an amount not to exceed \$5,970.39 with the funds coming from the City's capital equipment fund. Council Member Emmons seconded the motion.

*MOTION: Council Member DeLapp moved to delete the motion for purchase of audio visual equipment. Mayor Johnston seconded the motion. The motion passed 3-1 (Council Member Smith voting against).*

*MOTION: Council Member Smith moved to request Alpha Video to place the monitors within the chamber so they can see the placement and size of the monitors. Council Member Emmons seconded the motion. The motion passed 4-1 (Council Member DeLapp voting against).*

#### Update on activities at Regional Council of Mayors

Mayor Johnston has been active in the Regional Council of Mayors and provided an update on the activities of that group. The group is working to create an economic development plan for the area as a whole that would build on its strengths and support the development of related business areas.

#### Water System Financing Team for Groundwater Contamination Area

Craig Dawson, Interim City Administrator, reported the City Council is being asked to designate a core team to lead the effort to find partners and sources for significant funds to provide city water with the understanding that other key persons will be involved as needed and the Council will be kept up-to-date and involved throughout.

David Moore, 8680 Stillwater Blvd, spoke on the need for receiving money to provide residents safe drinking water permanently.

*MOTION: Council Member DeLapp moved to designate the Mayor, Council Member Emmons and the City Administrator to lead the City's team to work with other governmental agencies and private corporations for potential funding to improve the City's water system in order to serve those areas of Lake Elmo affected by groundwater contamination. Council Member Smith seconded the motion. The motion passed 4-1 (Mayor Johnston voting against).*

Request Planning Commission to develop recommendations on City activities for economic development

Craig Dawson, Interim City Administrator, reported the City Council is being asked to formally request the Planning Commission to identify what the City needs to be doing at present and to begin to identify what commercial uses and development standards should be permitted in the City.

*MOTION: Mayor Johnston moved to direct the Planning Commission to identify what activities the City should undertake in terms of economic development, and to identify what commercial uses and standards for sustainable commercial development should be permitted in the City. Council Member Park seconded the motion. The motion was passed 4-1 (Council Member DeLapp voting against).*

Update by City Attorney on house rehabilitation, 9224 31<sup>st</sup> Street N.

Craig Dawson, Interim City Administrator, reported the City Council is looking for a recommendation in terms of how to deal with the Hardy property located at 9224 31<sup>st</sup> Street. David Snyder, City Attorney, responded he has reviewed the materials submitted by the City and provided three options to the Council in his letter to Craig Dawson dated April 28, 2009.

*MOTION: Mayor Johnston moved to direct the City Attorney to pursue Option #3 advising the property owner, Linda Hardy, 9224 31<sup>st</sup> Street N., that the Council will authorize enforcement action (including litigation) and issue a formal order directing staff to secure completion or abatement of the property at its May 19<sup>th</sup> Council meeting. Council Member Smith seconded the motion. The motion passed 5-0.*

Final Adoption of AUAR, Resolution No. 2009-020

Planning Director, Kyle Klatt, reported the City Council is being asked to adopt the Lake Elmo Village Area Final Alternative Urban Area wide Review and Mitigation Plan.

Ciara Schlichting, Bonestroo, presented the Village AUAR purpose and process and discussed the five comments presented during the Final AUAR comment period. Once the Final AUAR document is adopted by the City, the Council will begin the process of identifying a preferred development scenario to implement. Amendments to the Comprehensive Plan will be necessary to move forward with any scenario that differs from the City's existing land use plan.

*MOTION: Council Member Smith moved to adopt Resolution No. 2009-020 adopting the Lake Elmo Village Area Final Alternative Urban Areawide Review*

*MOTION: Council Member Emmons moved that motion be amended to include that before any of the density scenarios or other options are decided upon, there would need to be further analyses to understand the impacts. Council Member DeLapp seconded the motion. The motion passed 4-1 (Council Member DeLapp voting against).*

*MOTION: Council Member Smith moved to adopt Resolution No. 2009-020 adopting the Lake Elmo Village Area Final Alternative Urban Area wide Review including the last round of comments and all recommended changes. Council Member Park seconded the motion. The motion passed 4-1 (Council Member DeLapp voting against).*

Comprehensive Plan Chapters

Planning Director Kyle Klatt reported the City Council is being asked to approve distribution of the 2030 Comprehensive Plan Update to the Metropolitan Council and adjacent communities for review in advance of the May 29, 2009 deadline for submitting a final version of the City's decennial updates to the Met Council. The land use plan is not required to be updated at this time, and have therefore not been revised as a part of the 2030 update submission to the Met Council. All land use forecasts for the updated sections, including population projections, will be based on the current land use section.

a. Transportation

City Engineer Jack Griffin presented the draft Transportation plan which included the revisions from the April 13, 2009 Planning Commission meeting and at the April 14, 2009 City Council workshop.

*MOTION: Mayor Johnston moved to postpone discussion on the Transportation Chapter to the May 19th Council meeting after the Council has had a chance to discuss the Highway 36 Corridor at a May 12 workshop meeting. Council Member DeLapp seconded the motion. The motion passed 5-0.*

- b. Surface Water Management
- c. Water Supply System, Solar Access
- d. Historic Preservation Aggregate Resources
- e. Parks and Recreation Plan

*MOTION: Council Member DeLapp moved to approve distribution of the 2030 Comprehensive Plan Chapter items, b) Surface Water Management, c) Water Supply System, Solar Access, d) Historic Preservation Aggregate Resources, and e) Parks and Recreation Plan to the Metropolitan Council and adjacent communities for review. Council Member Smith seconded the motion. The motion passed 5-0).*

Resolution No. 2009-021 to participate in Joint Airport Zoning Board for Lake Elmo Airport; Consideration of appointments of two representatives to Board

Interim City Administrator Craig Dawson reported the Metropolitan Airports Commission (MAC) is establishing a Joint Airport Zoning Board (JABZ) for the Lake Elmo Airport and has invited the City to participate on the Board. The Council reviewed this matter at its April 21 meeting and recommended the staff prepare a resolution that would formalize the Council's action to participate on the JABZ. The City will have two representatives on the Board and the appointees need not be members of the City Council or residents of the City.

*MOTION: Council Member Smith moved to adopt Resolution No. 2009-021 to participate on the Joint Airport Zoning Board for the Lake Elmo Airport. Council Member Park seconded the motion. The motion passed 5-0.*

*MOTION: Mayor Johnston moved to appoint Steve DeLapp to serve as the City's representative on the Joint Airport Zoning Board for the Lake Elmo Airport and direct staff to send a letter to the Fields of St. Croix HOA and Heritage Farms HOA to see if any area residents are interested in filling the City's second seat on the Board. Council Member Smith seconded the motion. The motion passed 5-0.*

Selection process for Metro Cities policy committee

Mayor Johnston reported the Metro Cities has published its schedule for the four 2009 policy committees. Each member city has the ability to designate two people to represent the City on each committee.

Applications from the public to fill all committee assignments should be submitted to Craig Dawson.

The meeting was adjourned at 10:31 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

DRAFT



City Council  
5/19/2009  
CONSENT  
Item: 2

ITEM: Approve disbursements in the amount of \$ 95,020.84

SUBMITTED BY: Tom Bouthilet, Finance Director

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<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
ACH	\$ 1,877.00	Sales & Use Tax Mn Dept. of Revenue (4.24.09)
ACH	\$ 7,844.82	Payroll Taxes to IRS 05/07/09
ACH	\$ 1,181.21	Payroll Taxes to Mn Dept.of Revenue 05/07/09
DD2170 - DD2205	\$ 22,080.49	Payroll Dated 05/07/2009 (Direct Deposit)
34183 - 34191	\$ 18,908.50	Payroll Dated 05/07/2009 (Payroll & Benefits)
34192 - 34245	\$ 43,128.82	Accounts Payable Dated 05/19/2009

**Total: \$ 95,020.84**

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the total amount of \$95,020.84

# Accounts Payable Checks for Approval

User: julie  
Printed: 05/14/2009 - 9:44 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34223	05/19/2009	Sewer	Sewer Utility - Met Council	Metropolitan Council	1,068.66
34198	05/19/2009	General Fund	Information Technology/Web	City of Roseville	1,551.58
34236	05/19/2009	General Fund	Office Supplies	S&T Office Products, Inc.	11.66
34233	05/19/2009	General Fund	Conferences & Training	Regions Hospital EMS	2,808.00
34227	05/19/2009	General Fund	Comprehensive Planning	Lillie Suburban Newspapers Inc.	18.00
34217	05/19/2009	Capital Acquisitions	Other Equipment	LOWER ST CROIX VALLEY FIRE	1,209.45
34227	05/19/2009	General Fund	Miscellaneous	Lillie Suburban Newspapers Inc.	7.88
34218	05/19/2009	Capital Acquisitions	Buildings and Structures	Greg Malmquist	354.20
34243	05/19/2009	General Fund	Conferences & Training	Brad Winkels	781.17
34199	05/19/2009	General Fund	Miscellaneous	COMCAST	7.87
34227	05/19/2009	General Fund	Miscellaneous	Lillie Suburban Newspapers Inc.	20.25
34202	05/19/2009	Capital Acquisitions	Buildings and Structures	Dad's Plumbing LLC	2,400.00
34200	05/19/2009	General Fund	Miscellaneous	Compensation Consultants, Ltd	40.00
34229	05/19/2009	General Fund	Conferences & Training	Owatonna Fire conference Fund	150.00
34218	05/19/2009	General Fund	Office Supplies	Greg Malmquist	23.45
34212	05/19/2009	Water	Conferences & Training	James Sachs	23.00
34232	05/19/2009	General Fund	Cabic Operation Expense	Steven Press	109.74
34232	05/19/2009	General Fund	Use Tax Payable	Steven Press	-6.70
34231	05/19/2009	General Fund	Miscellaneous	POSTMASTER	500.00
34208	05/19/2009	General Fund	Miscellaneous	GORMANS RESTAURANT	89.67
34225	05/19/2009	Water	Conferences & Training	MN Department of Health	23.00
34235	05/19/2009	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	340.00
34235	05/19/2009	General Fund	Repairs/Maint Bldg	Diane Rud	255.60
34235	05/19/2009	General Fund	Use Tax Payable	Diane Rud	-35.60
34197	05/19/2009	General Fund	Repairs/Maint Eqpt	Catco	53.08
34197	05/19/2009	General Fund	Repairs/Maint Eqpt	Catco	-16.55
34197	05/19/2009	General Fund	Repairs/Maint Eqpt	Catco	38.57
34197	05/19/2009	General Fund	Repairs/Maint Eqpt	Catco	-14.02
34216	05/19/2009	General Fund	Repairs/Maint Contractual Eqpt	Loffler Companies, Inc.	253.05
34216	05/19/2009	General Fund	Use Tax Payable	Loffler Companies, Inc.	-15.44
34222	05/19/2009	General Fund	Small Tools & Equipment	Menards - Stillwater	85.93
34222	05/19/2009	General Fund	Repairs/Maint Bldg	Menards - Stillwater	37.27
34215	05/19/2009	General Fund	Conferences & Training	League of MN Cities	80.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34224	05/19/2009	General Fund	Contract Services	Miller Excavating, Inc.	1,665.00
34242	05/19/2009	General Fund	Miscellaneous	Washington County	46.00
34245	05/19/2009	General Fund	Repairs/Maint Bldg	Yocum Oil Company, Inc.	159.75
34234	05/19/2009	General Fund	Miscellaneous	ROBERTS COMAPNY INC.	15.44
34234	05/19/2009	General Fund	Use Tax Payable	ROBERTS COMAPNY INC.	-0.94
34220	05/19/2009	General Fund	Small Tools & Minor Equipment	Mary's Professional Tools	97.63
34210	05/19/2009	General Fund	Miscellaneous	Hagbergs Country Market	12.78
34219	05/19/2009	General Fund	Refuse	Maroney's Sanitation, Inc	103.66
34219	05/19/2009	General Fund	Refuse	Maroney's Sanitation, Inc	45.62
34219	05/19/2009	General Fund	Refuse	Maroney's Sanitation, Inc	103.66
34219	05/19/2009	General Fund	Refuse	Maroney's Sanitation, Inc	198.87
34221	05/19/2009	General Fund	Repairs/Maint Imp Not Bldgs	Menards - Oakdale	43.23
34193	05/19/2009	General Fund	Contract Services	Animal Control Services	627.00
34221	05/19/2009	General Fund	Small Tools & Equipment	Menards - Oakdale	21.27
34221	05/19/2009	General Fund	Repairs/Maint Bldg	Menards - Oakdale	195.86
34221	05/19/2009	General Fund	Shop Materials	Menards - Oakdale	6.76
34205	05/19/2009	General Fund	Repairs/Maint Eqpt	Emergency Apparatus Maint. INC	232.39
34209	05/19/2009	General Fund	Conferences & Training	Greater Stillwater Chamber	38.00
34241	05/19/2009	General Fund	Miscellaneous	VISA	60.12
34239	05/19/2009	General Fund	Street Maintenance Materials	T.A. Schifsky & Sons Inc	1,114.86
34239	05/19/2009	General Fund	Street Maintenance Materials	T.A. Schifsky & Sons Inc	1,402.33
34211	05/19/2009	General Fund	Small Tools & Equipment	HSBC Business Solutions	128.05
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	85.05
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	63.80
34244	05/19/2009	General Fund	Street Lighting	Xcel Energy	27.84
34244	05/19/2009	General Fund	Street Lighting	Xcel Energy	28.13
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	373.78
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	530.47
34244	05/19/2009	General Fund	Street Lighting	Xcel Energy	25.22
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	9.34
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	127.68
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	11.85
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	1,264.14
34244	05/19/2009	Water	Street Lighting	Xcel Energy	35.08
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	111.45
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	16.49
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	15.26
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	291.15
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	68.67
34244	05/19/2009	General Fund	Street Lighting	Xcel Energy	1,820.23
34244	05/19/2009	General Fund	Street Lighting	Xcel Energy	26.21
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	80.11
34244	05/19/2009	General Fund	Electric Utility	Xcel Energy	1,339.68
34244	05/19/2009	Water	Electric Utility	Xcel Energy	97.57
34244	05/19/2009	General Fund	Street Lighting	Xcel Energy	10.29

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34194	05/19/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	40.98
34194	05/19/2009	General Fund	Uniforms	Aramark, Inc.	36.14
34194	05/19/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	67.54
34194	05/19/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	40.71
34194	05/19/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	26.68
34194	05/19/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	42.41
34194	05/19/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	36.73
34194	05/19/2009	General Fund	Uniforms	Aramark, Inc.	36.14
34201	05/19/2009	General Fund	Telephone	CP Telecom, Corp	524.37
34201	05/19/2009	General Fund	Telephone	CP Telecom, Corp	442.68
34230	05/19/2009	General Fund	Repairs/Maint Eqpt	Pomp's Tire Service, Inc.	480.60
34226	05/19/2009	General Fund	Equipment Parts	MTI Distributing Inc.	199.59
34192	05/19/2009	Capital Acquisitions	Buildings and Structures	Allied Electrical Contractors	1,414.00
34196	05/19/2009	General Fund	Repairs/Maint Eqpt	Car Quest Auto Parts	7.47
34197	05/19/2009	General Fund	Repairs/Maint Eqpt	Catco	10.50
34207	05/19/2009	General Fund	Repairs/Maint Imp Not Bldgs	Ganetime	1,221.26
34197	05/19/2009	General Fund	Repairs/Maint Eqpt	Catco	27.95
34228	05/19/2009	General Fund	Contract Services	Gopher State One-Call One Call Concept	326.85
34213	05/19/2009	General Fund	Contract Services	Kern DeWenter Viere Ltd	9,092.25
34204	05/19/2009	General Fund	Legal Services	Eckberg Laners Briggs Wolff	455.00
34240	05/19/2009	General Fund	Repairs/Maint Eqpt	Tri-State Bobcat	53.89
34240	05/19/2009	General Fund	Contract Services	Tri-State Bobcat	582.50
34214	05/19/2009	General Fund	Repairs/Maint Eqpt	Kremer Spring Inc.	351.41
34206	05/19/2009	General Fund	Small Tools & Equipment	Emergency Automotive	78.69
34238	05/19/2009	General Fund	Information Technology/Web	SHI International	126.74
34203	05/19/2009	Sewer	Repairs/Maint Imp Not Bldgs	Ditch Witch of Mn, Inc.	31.99
34195	05/19/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34195	05/19/2009	General Fund	Rentals - Buildings	Biff's Inc.	192.56
34195	05/19/2009	General Fund	Rentals - Buildings	Biff's Inc.	96.29
34195	05/19/2009	General Fund	Rentals - Buildings	Biff's Inc.	96.29
34195	05/19/2009	General Fund	Rentals - Buildings	Biff's Inc.	96.29
34195	05/19/2009	General Fund	Rentals - Buildings	Biff's Inc.	96.29
34195	05/19/2009	General Fund	Rentals - Buildings	Biff's Inc.	96.29
34195	05/19/2009	General Fund	Rentals - Buildings	Biff's Inc.	96.29
34195	05/19/2009	General Fund	Rentals - Buildings	Biff's Inc.	96.29
34237	05/19/2009	Water	Software Support	SENSUS Corp	1,320.00

Total for this Date:

43,128.82

City Council  
Date: 5/19/09  
**CONSENT**  
Ordinance No. \_\_\_\_\_  
Item: 3

ITEM: Consider an Ordinance amendment to allow the Council to extend the no-wake time period for special events on public lakes.

REQUESTED BY: Planning Department

SUBMITTED BY: Kyle Klatt, Planning Director 

REVIEWED BY: Craig Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:**

The City Council is being asked to consider approving an ordinance that would amend the current regulations pertaining to the times during which no-wake restrictions are in effect on public waters within the City. The proposed amendment would allow the City Council to extend the time restrictions as part of a special event that takes place within the City.

This ordinance is being brought forward as a follow-up to the recent request by the Minnesota Boat Club to host an international rowing regatta on Lake Elmo in August of this year. It was noted during the review of the regatta request that the no-wake times established for Lake Elmo public waters, which run from sunset to noon the next day, would not allow the regatta to be conducted during the times requested.

The attached ordinance would allow the City Council to extend the no-wake requirements as part of a special event request. Given the action previously taken by the Council to support the rowing regatta, the no-wake period would apply to the times the regatta is operating if the Ordinance is adopted.

**RECOMMENDATION:**

Adoption of the attached Ordinance that would allow the City Council to extend the no-wake time period on public waters for special events.

**ATTACHMENTS:**

1. Ordinance No. \_\_\_\_\_

CITY OF LAKE ELMO  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA

ORDINANCE NO. \_\_\_\_\_  
AN ORDINANCE TO ALLOW THE CITY COUNCIL TO EXTEND THE "NO  
WAKE" REQUIREMENTS UNDER THE WATER SURFACE USE  
ORDINANCE FOR SPECIAL EVENTS

**Section 1. The City Council of the City of Lake Elmo hereby ordains that Section 97.21 subdivision (B) is hereby amended to read as follows:**

(B) *Hours of operation.* No person shall operate any motorboat at a speed other than a slow, no-wake speed between sunset and noon the following day unless an alternative no-wake time period is established by the City Council as part of a special event.

**Section 2. Adoption Date**

This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 09-\_\_\_\_ was adopted on this 19<sup>th</sup> day of May, 2009, by a vote of \_\_\_\_\_ Ayes and \_\_\_\_\_ Nays.

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

ATTEST:

\_\_\_\_\_  
Craig Dawson, Interim City Administrator

This Ordinance No. 09-\_\_\_\_ was published on the \_\_\_\_\_ day of May, 2009.

City Council

Date:

May 19, 2009

REGULAR

Item:

Motion

ITEM: Request for Extension for Code Compliance,  
Rodney Sessing, 5699 Keats Avenue North

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

REVIEWED BY: Ben Gozola, Consulting Planner  
Kyle Klatt, Planning Director

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**SUMMARY AND ACTION REQUESTED:** The City Council has already granted an extension to Mr. Sessing to correct several Code violations, some by May 15, 2009, and the rest by June 30, 2009. Mr. Sessing has planned to do all of the latter items himself, but has had surgery which will prevent him from doing so until next year. He has requested that the City grant an extension on these items until July 31, 2010. The Council should affirm that these matters be completed by June 30, 2009, or grant an extension.

**BACKGROUND:** According to City action in November 2009, Mr. Sessing needs to accomplish the following by June 30, 2009:

- 1) Removal or proper screening of personal property items consisting of piles of brick, concrete, or other stone building materials; piles of wood and/or wooden building materials, a large tank; a basketball hoop; and an old swing set that has overgrown vegetation.
- 2) Removal of the tool shed in excess of 160 square feet; or modification of the tool shed so that it is no larger than 160 square feet; or request a variance for the tool shed at its existing size.
- 3) Completion of the following landscaping items:
  - a. The area south of the retaining wall off the front of the garage is not landscaped as may be reasonably necessary to protect the soil and aesthetic values on the lot and adjacent property.
  - b. The area to the rear of the attached garage will require a retaining wall to support the hillside that was cut away to provide for the new garage door on the underside of the attached garage.
  - c. The area to the rear of the attached garage which requires a retaining wall is also not landscaped as may be reasonably necessary to protect the soil and aesthetic values on the lot and adjacent property.

Mr. Sessing asked staff for an extension to July 31, 2010, regarding No. 3. In response to this request within the past month, staff has communicated the City's expectation that these items will be completed by June 30, 2009, and it may be necessary for Mr. Sessing to arrange for the work to be done rather than for him to complete it himself. Mr. Sessing still wishes to complete his own work and has formally requested an extension, which only the Council may grant.

**RECOMMENDATION:** Staff recommends that the City Council affirm its action to require compliance by June 30, 2009.

**SUGGESTED MOTION FOR CONSIDERATION**

*Move that the Council affirm its action to require that the property at 5699 Keats Avenue North be in compliance with City Code by June 30, 2009.*

*Alternatively, the Council may move that the date for compliance be extended to \_\_\_\_\_.*

ATTACHMENTS:

- Correspondence from Mr. Sessing

ORDER OF BUSINESS:

- |  |                   |
|--|-------------------|
| • Introduction   | Craig Dawson      |
| • Report by staff  | Craig Dawson      |
| • Questions from City Council members to the presenter   | Mayor facilitates |
| • Questions/comments from the public to the City Council | Mayor facilitates |
| • Action on motion                                       | City Council      |



## **Craig Dawson**

---

**From:** Rod Sessing [rodsessing@yahoo.com]  
**Sent:** Friday, April 17, 2009 1:00 PM  
**To:** Jerry Filla; beng@schoellmadson.com; Craig Dawson  
**Cc:** Karl Horning  
**Subject:** delay in corrections  
**Attachments:** City of Lake Elmo delay letter 4-17-09.docx; restrictions 4-2-09.jpg

Hello Jerry and Ben, I am sorry to let you both know that I will be unable to correct everything by the deadline the end of June 2009. The retaining wall and landscaping in the rear of the garage will not be able to finish in time with the surgery that I have had and also the surgery that I will be having later this fall. Thanks for your cooperation in this matter. Thanks Rod Sessing

**Rodney Sessing**

5699 Keats Ave. N.  
Lake Elmo, MN 55042  
651-260-7594

## **Craig Dawson**

---

**From:** Rod Sessing [rodsessing@yahoo.com]  
**Sent:** Monday, May 11, 2009 6:32 AM  
**To:** Craig Dawson; Karl Horning  
**Cc:** Jerry Filla; Ben Gozalla  
**Subject:** Fw: delay in corrections  
**Attachments:** City of Lake Elmo delay letter 4-17-09.docx; restrictions 4-2-09.jpg

Hello Craig, I am forwarding the original email I sent to Jerry Filla and also Ben Gozalla. after emailing several times to Ben and getting some responses with you being copied on all of the emails. Ben Gozalla in his last email stated I needed to officially ask you for the delay. I am not sure why since you were originally copied on this and I was told for years that Jerry Filla and Ben were my only contacts with the city. but anyway. I need to respectfully request that the retaining wall behind my addition be delayed until July 2010 due to the surgery I had on March 23, 2009 and I also need to have surgery on my other wrist in September 2009 if my right wrist heals OK. Since the city gave me permission to install the retaining wall but then took it back later that same day and sat on it for 2 plus years. I was ready and physically able at that time and this would of been done back in 2006. It seems like this should not be a problem since it is not hurting anything at all. (no erosion) Please let me know as soon as you can. Thanks Rod Sessing

## **Rodney Sessing**

5699 Keats Ave. N.  
Lake Elmo, MN 55042  
651-260-7594

--- On Fri, 4/17/09, Rod Sessing <[rodsessing@yahoo.com](mailto:rodsessing@yahoo.com)> wrote:

**From:** Rod Sessing <[rodsessing@yahoo.com](mailto:rodsessing@yahoo.com)>  
**Subject:** delay in corrections  
**To:** "Jerry Filla" <[jfilla@pfb-pa.com](mailto:jfilla@pfb-pa.com)>, [beng@schoellmadson.com](mailto:beng@schoellmadson.com), [cdawson@lakeelmo.org](mailto:cdawson@lakeelmo.org)  
**Cc:** [khorning@lakeelmo.org](mailto:khorning@lakeelmo.org)  
**Date:** Friday, April 17, 2009, 12:59 PM

Hello Jerry and Ben, I am sorry to let you both know that I will be unable to correct everything by the deadline the end of June 2009. the retaining wall and landscaping in the rear of the garage will not be able to finish in time with the surgery that I have had and also the surgery that I will be having later this fall. Thanks for your cooperation in this matter. Thanks Rod Sessing

## **Rodney Sessing**

5699 Keats Ave. N.  
Lake Elmo, MN 55042  
651-260-7594

4-17-09

To Whom it may concern, I just had an operation on my right wrist from an accident at work. I had surgery on March 23<sup>rd</sup> and had it in a splint for two weeks and then a cast for 6 weeks and then a duration of healing from 4 to 6 months total for complete recovery. I am also going to have surgery on my left wrist sometime in September to correct the damage from my accident of separating both of my wrists. This operation on my left wrist in September will also have a 4 to 6 month duration for complete recovery. This means that I will not be able to install the retaining wall this year by the end of June 2009 but will finish it by the end of July 2010, this also means that I will not be moving the retaining wall block that is in my back valley until July 2010 also.

I waited over two years for the City of Lake Elmo to give me permission to go ahead and do this. I would think that you can wait this extra year due to this accident.

I have moved the trailers. I will move the two unlicensed cars by May 15<sup>th</sup> like I stated before, plus I will have the accessory building corrected and also have the wood cleaned up and stand up the basket ball hoop and clean out some weeds by the swing set this time only.

The landscaping will be complete in the front of the house but the landscaping in the rear of the garage will not be able to be complete until I can install the retaining wall in 2010 by the end of July.

I am also sending you a copy of my restrictions for my right wrist so you see that I am not lying to you. Plus those restrictions will also be on my left wrist once the surgery happens in Sept. 2009

If you have any questions please do not hesitate to call. Thanks Rod Sessing

651-260-7594 cell phone

**SUMMIT ORTHOPEDICS, LTD.**  
**1600 MEDICAL BUILDING**  
1600 St. John's Boulevard, Suite 101  
Maplewood, MN 55109  
(651) 842-5200

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**Patient ID:** WC423417      **MRC:** WORK & ACTIVITY RELEASE  
**Patient Name:** RODNEY N SESSING  
**Date of Birth:** 06/29/1954  
**Provider:** MEGAN D BERGSETH PAC  
**Date of Service:** 04/02/2009

**NOTE TO EMPLOYEE:** You must promptly provide a copy of this report to your employer or workers' compensation insurer and qualified rehabilitation consultant.

Patient is able to work with the restrictions:  
From: April 2, 2009 through May 14th

No gripping, Lifting, or twisting with the R hand

Anticipated back to Full Duties with No Restrictions 4-6 months

**DIAGNOSIS:** (R) wrist SLAC.

**SURGICAL/ MEDICAL PROCEDURE:** Right Scaphoid excision and Capitollunate Fusion 3/23/09

**TREATMENT PLAN / RECOMMENDATIONS:** Splinting / casting.

Electronically signed by: MEGAN D BERGSETH PAC on April 2, 2009 at 02:46 pm CST

ITEM: Approve the Transportation Plan for submittal to the Metropolitan Council

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Craig Dawson, Interim City Administrator  
Ryan Stempski, Assistant City Engineer  
Kyle Klatt, Planning Director

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SUMMARY AND ACTION REQUESTED: The Transportation Plan was presented for approval at the May 5<sup>th</sup> City Council Meeting. Approval of the Transportation Plan was delayed until a Transportation Workshop could be held with MnDOT and Washington County on the TH 36 Corridor. The City Council Workshop on the TH 36 Corridor was held on May 12<sup>th</sup>.

Staff is looking for direction on whether the language in the Transportation Plan is sufficient or if there are any Council revisions to be included. We are requesting approval to submit the Transportation Plan to the Met Council prior to May 29, 2009.

ADDITIONAL INFORMATION:

**The Transportation Plan addresses the TH 36 Corridor as follows:**

Policy Statements (page 2):

- a. Interstate 94 and State Highway 36 shall remain the primary vehicular corridors for traffic with origins and/or destinations not in Lake Elmo. The City will seek measures to minimize the negative impact by through traffic within the City of Lake Elmo.
- b. The City will support grade-separation of Trunk Highway 36 from the current at-grade intersections in pursuit of the City goals to provide safe and adequate service to Trunk Highway 36 for residents and businesses while minimizing back tracking to gain access and while minimizing pass through traffic on local roadways.
- c. Parkway standards will be encouraged and supported on four-lane corridors in the City, such as Trunk Highway 36 and the potential expansion of Manning Avenue (CSAH 15).

Additional City Goals (page 4):

The Lake Elmo Avenue (County State-Aid Highway) 17 and Trunk Highway 36 Intersection Project is examining interchange options for this current at-grade intersection. Led by Washington County, the first step established a Design Review Committee and Project Management Team who then determined goals for the project. The City supports the following goals outlined in the Lake Elmo Avenue (County State-Aid Highway 17) and Trunk Highway 36 Intersection Project as defined by those project groups with input from the public.

- Maintain east and west access to Trunk Highway 36.

- Minimize impacts to private property.
- Increase the safety of the intersection.
- Minimize the noise and visual impacts.
- Minimize impacts to traffic flow on Trunk Highway 36.
- Make sure it fits the long term City goals of both Lake Elmo and Grant.
- Minimize the commuter traffic on local roads.

These goals are consistent with the overall goals for the City and the policy statements provided above. In addition, the City encourages and supports these goals being applied to the Trunk Highway 36 corridor, not just the Lake Elmo Avenue (County State-Aid Highway 17) and Trunk Highway 36 intersection.

Transportation Implementation Program (page 68-69):

- The City will continue to pursue a TH 36 access and connectivity plan to provide a safe and adequate service to residents of Lake Elmo while minimizing traffic bypassing through the City. The City will work with the County and the State on the ultimate plan for TH 36, including its connections to the City.
- The City supports improvements that could delay or eliminate the need for a four-lane facility on Stillwater Boulevard (TH 5). Examples of improvements could include one or more of the following: upgrade TH 36 to "freeway" status, upgrade of Manning Avenue (CSAH 15) to a four-lane facility, reconfiguration of the Stillwater Boulevard (TH 5)/Manning Avenue (CSAH 15) intersection with the 40th Street (CSAH 14)/Manning Avenue (CSAH 15) intersection to create a single four-legged intersection, access management, alternative intersection control, expanded transit opportunities, and expanded trail system. These options could allow for more extensive landscaping and streetscaping on Stillwater Boulevard (TH 5), consistent with its expected redevelopment.

SUGGESTED MOTION FOR CONSIDERATION:

*Move to approve the Transportation Plan (as may be revised during Council discussion) for submittal to the Metropolitan Council.*

ORDER OF BUSINESS:

Introduction	Craig Dawson, Interim City Administrator
Updates on Comprehensive Plan Sections	City Engineer
Questions from city council members to the presenter	Mayor and council members
Questions/comments from the public to the city council	Mayor facilitates
Action on motion	

City Council  
Date: 5/19/09  
**Regular**  
Item: 7

ITEM: Discuss Process for Comprehensive Plan Amendments  
REQUESTED BY: City Council  
SUBMITTED BY: Kyle Klatt, Planning Director   
REVIEWED BY: Craig Dawson, Interim City Administrator  
Kelli Matzek, City Planner

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**SUMMARY AND ACTION REQUESTED:**

The City Council has asked to review and discuss a potential timeline for moving forward with the Village planning process and potential amendments to the Lake Elmo Comprehensive Plan. With the completion of the Village AUAR process, City staff has had some initial discussions regarding the sewer plan, and is presently working to identify the future costs associated with implementation of the Village master plan and regional sewer extension project. The intent of these meetings is to help prepare for an eventual Council workshop on this topic.

As stated by the Council at its last meeting, of primary concern at present is how the Village planning will proceed with other amendments that could be made to the Comprehensive Plan (the Land Use section in particular). At this point, it is staff's recommendation that the Council update the land use section as part of a broader update to adopt one of scenarios studied under the Village AUAR as part of the Comprehensive Plan. Such an update is necessary because the Land Use Plan for the Village that was adopted as part of the Comprehensive Plan is substantially different in many aspects than the accepted, but not adopted, Village Master Plan.

The purpose of this memorandum is to aid the Council's initial discussions on this topic, with the expectation that there will be, at a minimum, a future workshop to allow time for a more thorough review of these issues.

**LAND USE PLAN DISCUSSION:**

One of the key points raised by the Council has been the status of the City's Land Use Plan (Chapter 3 of the Comp Plan) and whether or not to proceed with minor updates to this plan along with the sections that need to be submitted by May 29<sup>th</sup>. The Land Use Plan was submitted with the City's January 2006 Comprehensive Plan update, and was accepted by the Metropolitan Council on April 12, 2006, with the following comment:

*In its review, the [Metropolitan] Council concluded that the plan revisions satisfy the terms and conditions of Metropolitan Council Resolution 2005-20 and the January 27, 2005 Memorandum of Understanding. Further, it conforms to current Regional Policy Plans for Recreation, Open Space, Transportation-Aviation, and Wastewater Services in all major respects...*

*The review also found that during preparation of the update of your 2008 comprehensive plan the City should address a number of matters regarding surface water management, roadways, transit, airports, and parks and open space as described in the review and analysis section of the report.*

The final recommendation noted *"that the Metropolitan Council allow the comprehensive plan entitled 'City of Lake Elmo Comprehensive Plan 2030' to be placed into effect with no required modifications and forward the attached report as the official review record"*.

These statements point towards the Comprehensive Plan elements that the City has presently been reviewing and intending to submit to the Met Council in order to comply with the City's 2030 update requirements. Based on this language, the Met Council will not require that the Land Use Section to be updated as part of the 2008 submissions. The expectation that has been stated to city staff is that the 2008 updates must be consistent with the accepted Land Use Plan. Given this expectation, the Council should note the following:

- As staff has drafted the 2008 updates to the Transportation Plan, Surface Water Management Plan, Water Supply Plan, and other elements, the overall demographic information related to projected total population, households, and sewer REC units has been carried forward into these documents. Since these are community-wide plans, the specific details concerning how the population is distributed in the City is not as critical in order to develop a sound plan. At the implementation stage, these details become much more important.
- The main concerns expressed by the Council regarding the Land Use Section have thus far been specific the Village area and to a lesser extent the I-94 Corridor. The overall totals for population, households, and REC units have not been questioned and presumably would not be altered with any amendments to the Land Use Section. The allocation of new housing units throughout the City could be discussed by the City Council either now and/or as part of the Village plan amendment.
- Any changes to the land use section that alter the number of housing units allocated to the Village Area in the current Land Use Plan would trigger a review by the Metropolitan Council. This change is not required as part of the 2008 submission.
- As part of the request for an extension and subsequent discussions with the Met Council staff, the City has made it very clear that there will be an amendment to the Land Use Section submitted as a separate update to the Comprehensive Plan in order to incorporate the Village Master Plan (and development scenario selected from the AUAR) into the land use plan. The Planning Commission work plan for 2009 includes this project.
- Revisions to the current Land Use Plan that are submitted now would potentially require a public hearing at the City level, and would likely trigger a more extensive review at the Met Council level to verify conformance with the Memorandum of Understanding and other relevant documents.

Taking into account these statements, the City Council may proceed with one of the following options:

- 1) Incorporate minor and/or major changes to the Land Use Chapter for submission with the 2008 updates.
- 2) Begin a process to update the Land Use Section to address concerns by the Council as a separate submission to the Met Council.
- 3) Incorporate all of the Council's concerns and changes as part of a larger Land Use chapter update that will also include the selected Village Plan and related development scenario.

Although the Council always has the option to develop an entirely new land use plan, this action would be a significant departure from the current work plan. Any new land use plan would need to be reviewed within the context of the current agreement with the Metropolitan Council.



Of the options listed above, staff is recommending option 3, that the Council work towards a larger land use plan update that incorporates the preferred Village scenario into the document. As a part of this process, any concerns regarding inaccuracies, confusing language, omissions, errors, or disagreements regarding the contents of the land use plan can be addressed with the final document. Although four votes are needed to adopt revisions to the Comprehensive Plan, a simple majority of the Council can initiate this process.

### **COMPREHENSIVE PLAN ISSUES:**

The Council workshop will provide time to discuss more thoroughly the process and statutory requirement for updating a Comprehensive Plan. As a brief summary, please note the following:

- As a municipality in the Twin Cities metropolitan area, Lake Elmo must update its plan every 10 years and submit this plan to the Metropolitan Council for review. After adoption of the 2008 submission, Lake Elmo will be required to submit any required updates in 2018.
- A comprehensive plan amendment may be initiated by the Planning Commission or City Council at any time outside of the metropolitan area mandates. These amendments are still subject to Met Council review.
- The Planning Commission must hold at least one public hearing before adopting the comprehensive plan or any section or amendment to the plan. Notice of the time, place, and purpose of the hearing must be published in the official newspaper at least 10 days before the day of the hearing.
- The City Council cannot act on a Comprehensive Plan amendment until it has received record of the public hearing and recommendation of the Planning Commission (or a certain amount of time has passed since it was submitted to the Planning Commission).
- The Council may adopt an amendment by resolution by a two-thirds vote of all its members.
- The City may adopt an interim ordinance during the time that a comprehensive plan is being considered in order to protect the planning process. Lake Elmo previously established such a moratorium in the future sewer service area, and has since adopted a permanent holding zone in these areas that will remain in effect until the zoning map is amended to a district that will allow sewered development.

One of the questions that staff has received from the Council is the degree to which a change can be made to the land use plan without requiring Planning Commission review and a public hearing. Although state law is clear that any amendment must follow the process described above, it would be reasonable to expect that the City could fix typos and other minor errors in the document without an extensive review process. For instance, if a figure that is supposed to be 10,000 is transcribed as 1,000 in the document, staff should be able to make the revision without a new hearing and lengthy review. From a difference perspective, any changes that would alter the projections for housing units or REC units or a reallocation of these units within the overall totals represent a more significant amendment and should follow the appropriate process, starting with a review and hearing conducted by the Planning Commission.

Given the history of the Lake Elmo Comprehensive Plan, it is not surprising that consistency within the document is and continues to be an issue. With the 2008 updates, staff has attempted to make sure the new sections are consistent with each other and the overall projections for population growth, housing units, and sewer service areas. As future updates are submitted, the City will have additional opportunities to improve consistency across all sections of the plan, and to adjust any figures as necessary to achieve this objective. Based on the agreements that have been reached between the Metropolitan Council and the City of Lake Elmo, the total population (households) and sewer REC units provided are the most critical elements that must remain consistent with the City's systems statement.

The allocation of units within this framework, while relevant in terms of maintaining adequate densities to support sewer development, are not as critical from the perspective of the Met Council.

To further summarize the requirements for proceeding with an amendment to the Comprehensive Plan, the Council could identify changes it would like to see made to the Land Use Plan, and for any changes other than minor corrections of errors, these changes would need to be forwarded to the Planning Commission for a hearing and recommendation back to the Council. This process would be the same whether it was started six months ago and done in tandem with the required 2008 updates, started today, or is initiated by the Council in the next several weeks.

The next section attempts to bring all of this information together in the form of a discussion outline for the Council's workshop on the Comprehensive Plan and Village planning process. The outline is meant as a guide and should be revised to accommodate the direction the Council would like to take. An alternate review process (i.e. to submit land use changes by May 29<sup>th</sup>) could be discussed, but would alter the approach being recommended below.

## **WORKSHOP DISCUSSION OUTLINE:**

### Workshop Discussion Items:

- 1. Review of statutory requirements for updating a Comprehensive Plan**
  - a. MN Statutes Section 462.355
  - b. MN Land Use Planning Act
  - c. Decennial review – MN Statutes 473.864
    - i. Notes:
      1. Plans may be amended at any time
      2. 2/3 vote of the City Council is required to adopt amendments following a public hearing conducted by the Planning Commission
      3. All amendments must be submitted to the Met Council and adjacent communities for review
- 2. Review of current Comprehensive Plan**
  - a. Focus on land use and allocation of housing units
  - b. Explain differences between the Comprehensive Plan and the Village Master Plan
  - c. Review of staging plan for sewer (Village and I-94 corridor)
  - d. Discussion of council issues and concerns
    - i. Summary from previous meeting, workshops, and Council correspondence if available
- 3. Review of Village master planning process**
  - a. Highlight differences between Village Master Plan and the current land use plan for the village area
  - b. Discussion of AUAR and future mitigation requirements
- 4. Identify and discuss next steps**
  - a. Sewer feasibility/financing review
  - b. Selection of AUAR development scenario
  - c. Develop process to identify and meet obligations under the Village AUAR
- 5. Direction related to Comprehensive Plan update**
  - a. Authorize staff to develop a work plan to amend the land use chapter of the Comprehensive Plan
    - i. Contents of plan amendment
    - ii. Use of outside assistance
    - iii. Public involvement process
    - iv. Implications for areas outside of Village
    - v. Timeline
    - vi. Describe how land use issues will be addressed
    - vii. Incorporate feedback from workshop meeting

As noted earlier, staff has been meeting on an administrative level to begin pulling together information regarding the future planning for the Village area. The Council's workshop on this matter will help clarify the expectations of staff and the future project steps.

**ADDITIONAL INFORMATION:**

Attached for consideration by the Council is an updated time line for the Village Area project and the illustrative flow chart for this project. This information has previously been reviewed by the Council at various stages of the project.

**NEXT STEPS:**

The City Council should revise the workshop outline as needed and set a date to conduct this workshop. Based on the feedback that has been received by staff, Wednesday, May 27 appears to be a date that will work for most of the Council.

Depending on the feedback received at the meeting, the Council could direct staff to follow a different process and timeline than the one that is being recommended.

**RECOMMENDATION:**

Based on the information given by Council members regarding their availability, staff recommends that the City Council set a workshop for May 27, 2009 at 7:30 p.m. to discuss the process for updating the Land Use Section of the Comprehensive Plan.

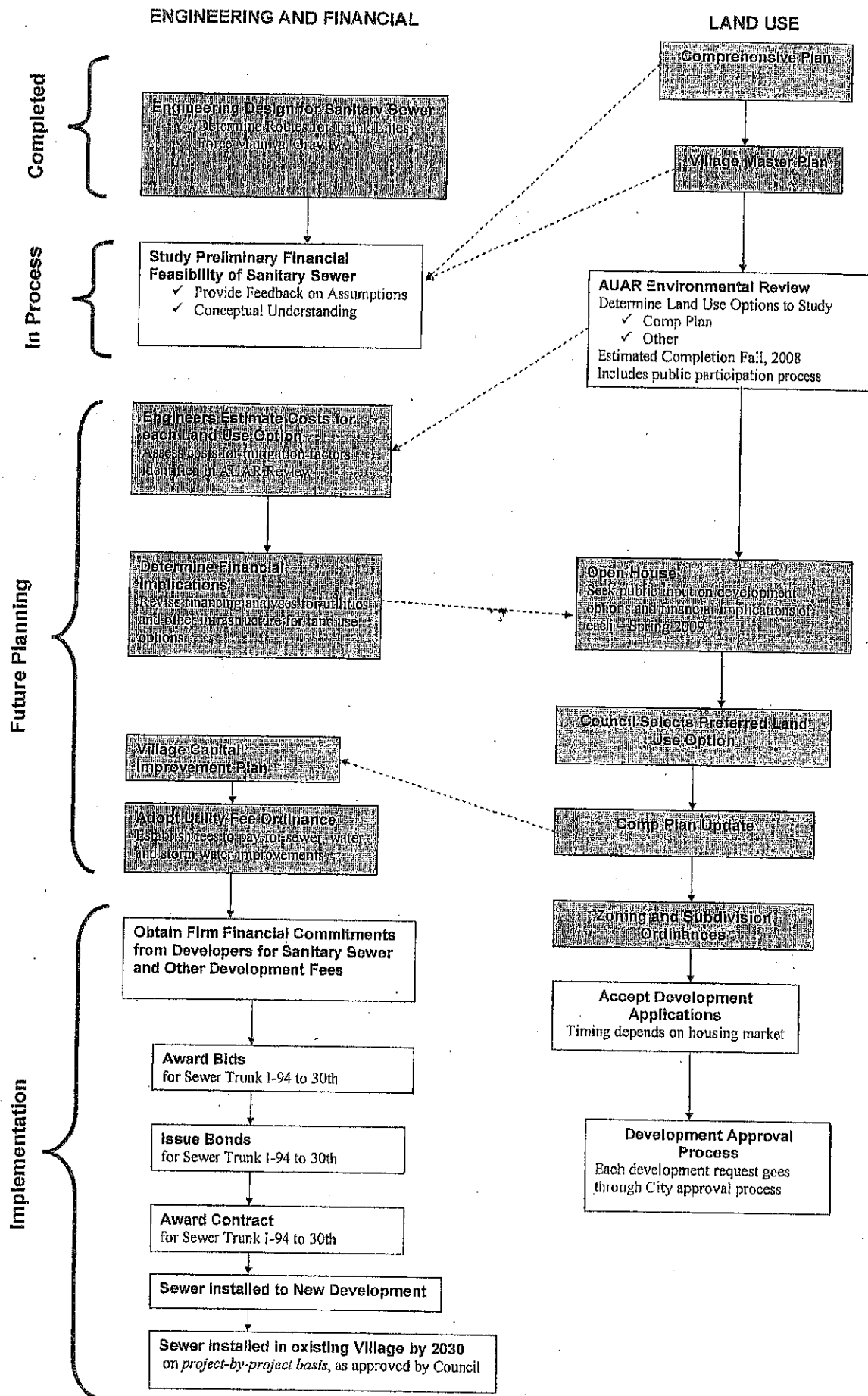
**ORDER OF BUSINESS:**

- Introduction..... Craig Dawson, Interim City Administrator
- Report..... Kyle Klatt, Planning Director
- Questions from the Council..... Mayor & Council Members
- Questions/Comments from the public..... Mayor facilitates
- Call for a Motion  
(required for further discussion; does not  
imply approval of the motion ..... Mayor facilitates
- Discussion ..... Mayor facilitates
- Action on motion..... Council

**ATTACHMENTS:**

1. Road Map for Decision Making (Village Project)
2. Village Project Time Line

# ROAD MAP FOR DECISION MAKING



Public Meeting Dates  
 Related to the Village Plan and Related Activities  
 As of 14 May 2009

Early 2005 - 2006	Comprehensive Plan Series of meetings by the city council and the process identified the timing planning commission on an updated 2030 of development/sewer in comprehensive plan the Village RFQ for Village City Council
June, 2005	City Council Interview for Village Team
August 3, 2005	City Council Planning Team presented recommendations
March 14, 2006	Public Open House Presented masterplan and received comments
April 19, 2006	City Council Accepted Village Masterplan phase I
June 6, 2006	City Council Proceed with masterplan phase II
June 20, 2006	City Council Update on the status of the plan
October 24, 2006	City Council Hire project director
November 1, 2006	City Council Approve sewer service area
December 5, 2006	City Council St. Croix Valley Family Center discussion (new Village)
December 12, 2006	City Council Update on the Village masterplan
January 2, 2007	City Council Financial advisor on Village plan financing options
January 2, 2007	City Council SCV Family Center Discussion
January 9, 2007	City Council Infrastructure workshop
January 20, 2007	City Council Financial workshop on financing infrastructure
January 23, 2007	City Council Approve alignment for sewer from I-94 to 30 <sup>th</sup> Street
February 6, 2007	City Council endorse proceeding with EAW on I-94 to 30 <sup>th</sup> Trunk Project
February 6, 2007	City Council endorses seeking proposals for AUAR
February 6, 2007	City Council Schedule public hearing to extend land use moratorium on new Village
February 20, 2007	City Council approves proposal for financial planning for utility infrastructure
February 27, 2007	City Council Presentation of Alternative Urban Areawide Review (AUAR) proposals
March 6, 2007	City Council final masterplan presentation at workshop
March 6, 2007	City Council authorize preliminary design for Village trunk sewer (connector)
March 12, 2007	Planning Commission Final masterplan presentation
March 19, 2007	Park Commission Final masterplan presentation
March 20, 2007	City Council Verbal update on Village planning
Mid-March, 2007	Citywide mailing Announcing Village open houses
March 21	Public Open House Presentation on final masterplan and public input
March 28	Public Open House Presentation on final masterplan and public input
April 3, 2007	City Council Public hearing to extend the new Village development moratorium and action
April 3, 2007	City Council Approve distribution of the EAW trunk sanitary sewer project
April 10, 2007	City Council Workshop on Masterplan and AUAR

City council meetings and workshops on the Village are televised.

Public Meeting Dates  
 Related to the Village Plan and Related Activities  
 As of 14 May 2009

April 17, 2007	City Council Accept the Village masterplan (composite land use map)
April 17, 2007	City Council Officially accept the AUAR proposal and move forward with appointments
May 1, 2007	City Council receive update on interim zoning
June 7, 2007	Public project meeting to onl-94 to 30th infrastructure project – presentation to project area persons and public
Mid - June, 2007	Mailing to project persons and participants in meeting with project summary of questions
July 26, 2007	AUAR Advisory panel The AUAR purpose and process
August 7, 2007	City Council Declaration of negative environmental impact for the Village sanitary sewer extension (I-94 to 30th Street)
August 7, 2007	City Council Authorize additional area in new Village to be in development moratorium
August 23, 2007	AUAR advisory panel Current conditions in the Village
September 4, 2007	City Council Request by Todd Williams to attend non public agency meetings on the Village AUAR
September 12, 2007	City council workshop on AUAR current conditions
Week of September 10	Newsletter with I-94 to 30th Street project update
Week of October 8	Citywide Mailing on I-94 to 30th St update meeting on 10-18-07
October 16, 2007	City Council Engineering update on the I-94 to 30th St
October 18, 2007	Public meeting infrastructure project Engineering update on the I-94 to 30th St infrastructure project
October 30, 2007	City Council first workshop on financing sewer
November 5, 2007	City Council request for a legal opinion on the number of new housing units required in the Village according to the comprehensive plan
November 5, 2007	City Council authorize the reconfiguration for the I-94 to 30th Street Trunk sewer from a combination forcemain/gravity to a forcemain only sewer
November 27, 2007	City Council second workshop on financial planning for sewer
December 4, 2007	City Council receive legal opinion on the number of new housing units for the Village required in the comprehensive plan
February 4, 2008	City Council Endorse four development scenarios to move to the Advisory Panel and the public for comment
February 13, 2008	Advisory Panel AUAR Review development scenarios
February 28, 2008	Public Open House on OakLand Junior High 6:30 to 8:30 AUAR development (All city mailing, display ads in local papers) scenarios
April 1, 2008	City Council AUAR ordered with three Village Masterplan development scenarios and the comp plan scenario

City council meetings and workshops on the Village are televised.

Public Meeting Dates  
Related to the Village Plan and Related Activities  
As of 14 May 2009

May 6, 2008	City Council Consider locations for a lift station in the vicinity of Reid Park
May 19, 2008	Park Commission Comment on possible impacts to Reid Park for lift station sites to the city council
June 5, 2008	City Council recommends location for I-94 to 30 <sup>th</sup> Street Lift Station
September 18, 2008	AUAR Advisory Panel meets to begin review of draft AUAR
October 2, 2008	AUAR Advisory Panel meets to review draft AUAR
October 14, 2008	City Council Workshop on preliminary draft of the AUAR
November 18, 2008	City Council releases draft Village AUAR for 30 day public comment period
December 1, 2008	Official public comment period starts
December 31, 2008	Official public comment period ends
February 17, 2009	City Council Workshop on final draft of the AUAR
March 17, 2009	City Council approves distribution of Final AUAR for 10 day public comment period
March 30, 2009	Official public comment period starts
April 13, 2009	Official public comment period ends
May 5, 2009	Adoption of Final AUAR
May 27, 2009	City Council workshop concerning the Village Land Use Plan and potential amendments to the Comprehensive Plan

City Council  
Date:  
REGULAR  
Item:  
Motion

May 19, 2009

ITEM: Search Firm for City Administrator Recruitment  
SUBMITTED BY: Craig W. Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:** Firms have responded to the City's Request for Proposal (RFP) for executive search consulting services. These proposals are not public information until a firm has been selected by the Council; consequently, they are being provided in a separate envelope. The Council should decide which firms to interview, and set aside an evening between May 25 – 27 to conduct the interviews. The firm could be selected at the June 2, 2009, City Council meeting.

**BACKGROUND:** At its April 21 meeting, the City Council decided that it would use an executive search firm in the process to select a city administrator. Staff prepared an RFP and sent it to four firms in the metropolitan area which have experience in recruitment for local government management positions.

***SUGGESTED MOTION FOR CONSIDERATION***

***Move to set interviews with (some or all of the firms).***

*The Council may wish to set a date for the interviews, or request staff to make arrangements with the firms and provide notice of the meeting date at which all of them can attend.*

**ATTACHMENTS:**

- Request for Proposal (RFP) for executive search consulting services
- Proposals from firms (in a separate envelope)

**ORDER OF BUSINESS:**

- Introduction Craig Dawson
- Report by staff Craig Dawson
- Questions from City Council members to the presenter Mayor facilitates
- Questions/comments from the public to the City Council Mayor facilitates
- Action on motion City Council





# City of Lake Elmo

651/777-5510

3800 Laverne Avenue North / Lake Elmo, MN 55042

## REQUEST FOR PROPOSAL

### EXECUTIVE SEARCH CONSULTING SERVICES

**To Select a City Administrator  
For  
The City of Lake Elmo, Minnesota**

**Proposals must be submitted by  
4:30 p.m. Thursday, May 14, 2009**



printed on recycled paper

## INDEX

<b>Section</b>	<b>Description</b>
I	City/Consultant Responsibilities
II	Performance Specifications
III	Instructions on Submitting Proposals
IV	Selection Procedure

## **SECTION I – City/Consultant Responsibilities**

### **Advertising**

The consultant will recommend and arrange for advertisements with a variety of professional organizations, publications, and websites including the League of Minnesota Cities Bulletin and those of other professional and municipal associations. A recruitment brochure will also be created.

### **Accepting Applications**

The consultant will accept, acknowledge and evaluate applications.

### **Data**

Elected officials and City staff will cooperate with the selected consultant in providing requested information and scheduling meetings.

## **SECTION II – Performance Specifications**

### **Scope of Services**

1. Evaluate the City's unique needs based on financial condition, existing programs, organization, etc., to determine appropriate areas of expertise required by candidates.
2. Evaluate the Mayor, City Council, and staff expectations for use in the screening process.
3. Recommend the appropriate recruitment/interview process.
4. Recommend a list of questions to be utilized by the City Council for interviews.
5. Recommend a "Short list" of candidates for personal interviews with the Mayor and City Council.
6. Check references and perform necessary background checks.
7. Develop a timeline for the recruitment process up to the final offer based on the City's preferences gathered from the above processes.

### **Reports and Timing**

1. The consultant will prepare 10 copies of all reports, including a report of the methods and criteria to be used in the screening process, and a report recommending the candidates for interview.
2. The consultant will make a verbal presentation of each report to the Mayor and City Council.
3. The consultants will proceed with the project with expeditious timing of the entire process. **This item must be addressed in the proposal.**

**SECTION III – Instructions on Submitting Proposals**  
**Proposals must be submitted by 4:30 p.m., Thursday, May 14, 2009**

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

Ten (10) copies of the proposal are required to be submitted.

The proposal shall include the following information:

1. A statement of your understanding of the work, description of the approach, explanation of the procedures to be used, and timetable to be followed.
2. Qualifications of the personnel proposed to supervise and perform the work. This should include biographics, including experience of the individuals who will be assigned to the work and relevant experience of each in working with municipalities.
3. A listing of Minnesota cities that your firm has provided consulting services to during the past three years. Include telephone numbers and the contact person.
4. The not-to-exceed fee for performing the work, including out-of-pocket expenses.
5. Indicate the fee payment schedule.

**SECTION IV – Selection Procedure**

The proposals will be evaluated upon the following factors:

- Relevant experience of the firm
- Reputation of the firm based on references
- Qualifications of personnel to be assigned
- Commitment to complete the process in a timely manner
- Ability to communicate the work plans in an organized, clear and convincing manner
- Estimated cost of the study

The Mayor and City Council will conduct oral interviews as early as May 20, 2009, with some or all of the firms that submit proposals. Selection of a firm will be made by the June 2, 2009, City Council meeting.

**Sharon Klumpp**  
**Springsted, Inc.**  
**380 Jackson Street, Suite 300**  
**St. Paul, MN 55101-2887**

Richard Fursman  
The Brimeyer Group, Inc.  
50 South Ninth Street, Suite 101  
Hopkins, MN 55343

James Lynn  
Lynn & Associates  
5435 Wedgewood Drive  
Shorewood MN 55331

Harry Brull  
PDI—Personnel Decisions International  
33 South Sixth Street, Suite 4900  
Minneapolis, MN 55402-1608

City Council

Date:

May 19, 2009

REGULAR

Item:

Motion

ITEM: Activities for Appreciation of Military Service Personnel and Families

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:** At the April 14 Council work session, Councilmember DeLapp related that he had attended an orientation session for the Washington County Network for the Yellow Ribbon Committee. He asked that the City and the community find ways to express their appreciation and acknowledge the needs of military personnel and their families. The Council asked staff to identify ways that the City might be able to acknowledge their efforts, and perhaps help residents to find resources that they might use on their own. There was also a suggestion that this topic be assigned to the Community Improvement Commission.

**BACKGROUND:** The Washington County Yellow Ribbon Network has recently been formed and appears to be a good resource for the City to link with. It would be relatively easy to add some narrative on the City's website and a weblink to the Yellow Ribbon Network. Short articles could be included in the City's newsletter. At the orientation session held in early March, it was suggested that support for service personnel and their families be respectful, rather than bringing undue (and perhaps uncomfortable) attention to them. For Lake Elmo, it might be appropriate to recognize them during the Fall Festival, and to help the families by providing things at no cost to them. This possibility may be another reason to request that the Community Improvement Commission to take the lead on identifying how the City may find appropriate and effective ways to show its appreciation.

**SUGGESTED MOTION FOR CONSIDERATION**

***Move that the Council direct the Community Improvement Commission to develop ways for the City and the community to express their appreciation and acknowledgement of military service personnel and their families.***

ATTACHMENTS:

- April 29, 2009, letter from Chair of Washington County Yellow Ribbon Network

ORDER OF BUSINESS:

- Introduction Craig Dawson
- Report by presenters Craig Dawson  
Steve DeLapp
- Questions from City Council members to presenters Mayor facilitates
- Questions/comments from the public to the City Council Mayor facilitates
- Action on motion City Council



# Office of the Sheriff



**William M. Hutton**  
Sheriff

**Mike Johnson**  
Chief Deputy

April 29, 2009

Administrator Craig Dawson  
Lake Elmo City Hall  
3800 Laverne Ave N  
Lake Elmo, MN 55042

Dear Administrator Dawson:

Earlier this year, several cities in Washington County passed a Resolution in Support of the 34<sup>th</sup> Red Bull Infantry Division and the 34<sup>th</sup> Military Police Company. Since that time, a group called the Washington County Yellow Ribbon Network has been meeting to further our efforts to become Minnesota's first "Yellow Ribbon County" and support all Service Members and their families as they serve our Country. The purpose behind the Yellow Ribbon Campaign is to synchronize efforts across agencies and organizations and allow Washington County residents the opportunity to work together to serve those who serve. The Washington County Network hopes that every Washington County city will develop their own plan and become a Yellow Ribbon City.

The Washington County Network includes Minnesota State Senator Kathy Saltzman, Lieutenant Colonel Barb O'Reilly, Washington County Commissioner Gary Kriesel, Washington County Commissioner Lisa Weik, Washington County Commissioner (retired) Dick Stafford, Washington County Community Services Deputy Director Pat Singel, Washington County Sheriff's Office Chief Deputy Mike Johnson, Lakeland Council member Dick Glasgow, Lakeland Council Member Bob Livingston, Oak Park Heights Council Member Mary McComber, and School District 834 Board Member Kathy Buchholz. With all good ideas, action is required and the network launched the campaign only four weeks after the initial meeting, knowing that if we didn't act now, we would do nothing.

Most of us became part of this support group after listening to presentations by Lieutenant Colonel (Chaplin) John Morris, who is currently deployed with the Redbulls. He and his family are long-time residents of

Law Enforcement Center • 15015 62nd Street North — P.O. Box 3801, Stillwater, Minnesota 55082-3801

Phone: 651-430-7600 • Fax: 651-430-7603 • TTY: 651-430-6246

[www.co.washington.mn.us](http://www.co.washington.mn.us)

Equal Employment Opportunity / Affirmative Action

Washington County. We all recognize and respect the service of the citizen soldiers of the National Guard and the Reserve Components and the sacrifice of their families while they are deployed. We all know someone who has deployed but once the yellow ribbons are untied signifying the safe return, we are often quick to forget their service. Alongside every Service Member is a family, a group of "invisible warriors". Their service is rarely recognized in the community but their sacrifice is every bit as great. As individual cities and as a county, we need to look at what we can do to recognize and support these groups. Many of our citizens are already supporting Service Members and families. The purpose of Yellow Ribbon is to do more together that we can as individuals.

Members of our Network have arranged to have training by representatives of the National Guard for Community Services case workers. We arranged to have a law enforcement briefing by the Army National Guard for Deputies, Correctional Officers, and Dispatchers. This training focused on reintegration and the ability of our staff to recognize and deal with some of the challenges combat veterans face. Network members attended an employer's briefing conducted by the 34<sup>th</sup> Infantry Division. We attended the deployment ceremony for the 34<sup>th</sup> Infantry in St. Paul in February. Our network held a meeting for representatives of government, criminal justice, education, clergy, community service workers, and volunteer service providers, veteran's organizations, and the Army National Guard. This meeting was held in March at Oakland Jr. High School in Lake Elmo. The meeting was well attended and some of you were there to learn about the goals of the Yellow Ribbon Network. Since then, a yellow ribbon city packet has been sent to each city and to our County Board. On April 21, 2009 the Washington County Board passed a formal resolution of support for the Yellow Ribbon Network.

Lieutenant Colonel Barb O'Reilly is the Chief of Beyond the Yellow Ribbon for the Minnesota National Guard. Her mission is to support all service members and their families throughout the deployment cycle. Following the lessons learned from Chaplain Morris, she recognizes that community involvement is critical in the successful deployment and reintegration of those who have deployed. Lieutenant Colonel O'Reilly and our Washington County Network ask each city in Washington County to see what you can do to become a Yellow Ribbon City. Lieutenant Colonel O'Reilly and her staff are available to assist each city by providing awareness training, guidance and support. Join us in supporting the 134 Service Members and their families currently deployed with the Redbulls and the members from the other reserve components.

Please have your city staff and elected officials work with Lieutenant Colonel O'Reilly's group to develop an action plan of support for those soldiers, and their families who live in your community. The Washington County Yellow Ribbon Network can be reached at [YellowRibbonNetwork@comcast.net](mailto:YellowRibbonNetwork@comcast.net) with email questions about the resolution process and the action plan. Mail sent to this address will be forwarded to network members. Please feel free to contact any of us at this address. Our network hopes to have a website available in the near future. I can be reached at e-mail: "[Mike.Johnson@co.washington.mn.us](mailto:Mike.Johnson@co.washington.mn.us)" or phone: 651-430-7880. The Minnesota Army National Guard support group has a website established to provide information and contact information for soldiers and their families. The same website can be used by those of us working on this initiative to contact the support group. That site is "[btyr.org](http://btyr.org)". Lieutenant Colonel O'Reilly and her staff can be reached through that site as well or you may call them at 651-282-6014.



Please join us in supporting these soldiers and their families by passing a Yellow Ribbon City resolution and working with the deployment group to develop an action plan for your city.

Sincerely,

Mike Johnson  
Chief Deputy and Chair of Washington County Yellow Ribbon Network

City Council  
Date: May 19, 2009  
REGULAR  
Item:  
Motion

ITEM: Consideration of Amendment to Agreement with Interim City Administrator  
SUBMITTED BY: Dean A. Johnston, Mayor  
REVIEWED BY: Craig W. Dawson, Interim City Administrator

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**SUMMARY AND ACTION REQUESTED:** The interim city administrator is a salaried City employee working under a contract with no benefits except for observed holidays. What appears will be the likely length of interim service is longer than what may have been contemplated by the Council and interim city administrator when that service began. The City believes that its employees should remain refreshed in order to be effective and productive, and grants paid leave time to its staff. The Council should consider making an amendment to the agreement with the interim city administrator to grant paid time off.

**BACKGROUND:** In the agreement, Mr. Dawson is retained as interim city administrator "until such time as a regular City Administrator is appointed and commences employment with the City. It is contemplated that it will take the City approximately three months to select a regular City Administrator and that additional time will be needed before the regular City Administrator may commence work for the City." Under the City Council's current timetable to conduct an executive search, it is likely that a regular city administrator will not be seated until this fall.

With this longer timetable, it is in the best interests of the City Council and interim administrator that he be able to take some vacation with pay. During his time with the City, Mr. Dawson has regularly worked 50-hour weeks to coordinate Council and staff business as well as to become familiar with the City and its issues. This effort is what one would expect from a salaried professional rather than an hourly contractor. This service should be treated accordingly with paid time off. It is common for private and public executives to receive a week's time off per quarter (or four weeks per year), and it would be reasonable to provide this for our interim city administrator. With the changed circumstances under the expected length of interim service, it would also be appropriate that this leave be accrued retroactive to January 5.

**SUGGESTED MOTION FOR CONSIDERATION:**

***Move to amend the Employment Agreement for the Interim City Administrator to provide for paid time off, and authorize its execution subject to approval of the City Attorney.***

ORDER OF BUSINESS:

- Introduction
- Report by presenter
- Questions from City Council members to the presenter
- Questions/comments from the public to the City Council
- Action on motion

Mayor Johnston  
Mayor Johnston  
Mayor facilitates  
Mayor facilitates  
City Council

City Council  
Date: May 19, 2009  
REGULAR  
Item:  
Motion

ITEM: Proposed Order for Enforcement Actions on Property at 9224 31<sup>st</sup> Street North  
SUBMITTED BY: Craig W. Dawson, Interim City Administrator  
David Snyder, City Attorney

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**SUMMARY AND ACTION REQUESTED:** At its May 5 meeting, the City Council directed that staff contact the owner of the property that on May 19 the Council would be considering a formal order unless the property complies with City Code and an October 2008 agreement, the City would begin proceedings that may result in the removal of the house. Per statute, the City Council must review and approve the Order before it can be issued and served. The City Attorney has prepared the Order for Council's approval. It gives the property owner 14 days to complete performance of issues identified in the October 2009 agreement, and five days to correct conditions that are Code violations, but does not preclude immediate action before that. The Order follows the statutory criteria to declare the house to be a "hazardous building", thus giving the City the ability to remove the house should that become necessary.

The Council is being asked to approve the proposed Order.

Additional Information: City staff has contacted the property owner by telephone to let her know of the Council's action on May 5. The City Attorney's Office has since attempted to serve her with the proposed Order, but as of May 13 she was not present to accept it.

**SUGGESTED MOTION FOR CONSIDERATION**

***Move to approve the proposed Order regarding Hazardous and Substandard Building Located at 9224 31<sup>st</sup> Street North.***

ATTACHMENTS:

- Proposed Order

ORDER OF BUSINESS:

- Introduction Craig Dawson
- Report by staff Dave Snyder
- Questions from City Council members to the presenter Mayor facilitates
- Questions/comments from the public to the City Council Mayor facilitates
- Action on motion City Council

**ORDER OF THE CITY OF LAKE ELMO REGARDING HAZARDOUS AND  
SUBSTANDARD BUILDING LOCATED AT 9224 - 31<sup>ST</sup> STREET NORTH, LAKE  
ELMO, MINNESOTA**

WHEREAS, this Order is made in connection with the property located at 9224 – 31<sup>st</sup> Street North, Lake Elmo, Minnesota, as legally described on “Exhibit A” hereto (“The Property”). The Property is owned by, without limitation, Linda Hardy (“The Owner”).

WHEREAS, the City and The Owner by agreement (“The Agreement”) dated October 7, 2008, attached hereto as “Exhibit B” and incorporated herein by reference, specified a timeline and requirements for obtaining a temporary and permanent certificate of occupancy for The Property and to eliminate a potential health and safety hazard and blight on The Property. This agreement followed an earlier agreement to repair and complete the house which The Owner did not perform; and

WHEREAS, The Agreement established a list of twenty-five items that needed to be completed by April 7<sup>th</sup>, 2009 to allow the City to issue a temporary certificate of occupancy. As of the April deadline, only two of the items had been addressed (#5: Install exterior windows, trim and doors to make structure weather tight; and #23: Initial removal of all trash, debris, and unlicensed / inoperable vehicles from the yard.). The remaining items have not been completed or corrected (#1: All plumbing, mechanical, electrical and building inspections have not passed final inspection; #2: Call for framing inspection before any work is covered up and basement floor is poured; #3: All septic inspections are to be completed and approved by the City of Lake Elmo; #4 Repair and seal all penetrations into the foundation, siding, and roof to make structure weather tight; #6 Must meet legal egress requirements for a temporary C.O. Upon inspection all exterior doors are to have an exterior landing and stairs, handrail / guardrail as needed. One operational door is required and the others may be temporarily screwed closed or an exterior

guardrail is to be installed across the door opening. Guardrails to have maximum 4" spacing; #7: Install basement floor and basement footings (if needed). Six-mil poly required under slab; #8: Install basement stairs, handrails and guardrails; #9: Install egress ladder in window wells greater than 44 inches in depth; #10: Install drain tile, basket and sump pump; #11: Install interconnected smoke detectors on every floor and in every bedroom; #12: Install address numbers on the front of the house; #13: Install one approved egress window in each of the bedrooms; #14: Install handrail from main floor to upstairs; #15: Complete one bathroom with the minimum installation of a water closet and sink. Submit bathroom plan to the inspection department to verify correct placement of water closet. All completed bathrooms are to have either a window or bath fan; #16: Kitchen sink to be installed and operational; #17: Install one automatic clothes washer connection for washing machine; #18: Install insulation, vapor barrier and either gyp board or plaster on all interior perimeter wall cavities; #19: Insulate basement rim joist with 2" of rigid insulation that meets fire code standards; #20: Insulate and seal the attic access, seal penetrations into the attic and insulate the attic floor to a minimum of R-38 or to a standard approved by the building official that meets the C.O.; #21: Repair all holes in the ceiling and exterior walls; #22: All floors within the house are to be structurally sound and free of holes; #24: Complete the final grade with a positive slope of 2% away from the structure for a minimum distance of feet from the structure as identified on the approved grading plan; and #25: If adding or deleting any walls, then a floor plan would need to be submitted and reviewed) ("The remaining conditions"); and

WHEREAS, The Property is in a state of dilapidation and incomplete construction and the remaining conditions required for a temporary certificate of occupancy and permanent certificate of occupancy have not been met; and

WHEREAS, without limitation, the following other conditions exist upon The Property in violation of the Lake Elmo City Code:

1. There are boards in piles which still have nails protruding from them which are “dangerous objects.” [in violation of Section 96.03(B)(3)]
2. The property owner has failed to maintain improvements to ensure the structure and landscaping avoids health or safety hazards and prevents degradation in the value of adjacent property. [in violation of Section 96.03(B)(6)]
3. In the rear of the property are piles of brush and dead trees which are susceptible to fire or capable of spreading fire to adjacent property. [in violation of Section 96.03(B)(7)]
4. Behind the garage on the subject property there is clearly an accumulation of junk & debris which is not screened from view when on neighboring property or from the ROW. [in violation of Sections 96.03(B)(11)(a), 150.001, 150.002]
5. At least one vehicle does not appear to be licensed. [in violation of Section 150.003]
6. The landscaping is non-existent all the way to the curb including the boulevard. [in violation of Section 96.03(B)(15)]
7. Section 151.019 requires that the building meet all building codes and landscaping provisions within 12 months of issuing the moving permit. This property is in violation of this provision.
8. The site does not have at least a gravel entrance for vehicles and is lacking in basic erosion control devices [in violation of subdivisions within Section 151.027(C)(4)]

NOW THEREFORE, The City of Lake Elmo, by and through its City Council, finds that the property is in a dilapidated, substandard, hazardous and incomplete state and orders, pursuant to, without limitation, Minn. Stat. S. 463.15 and et. seq., 412.221, 429.021, 429.101, Lake Elmo City Code S. 96.01 et. seq. orders as follows:

1. Each of the Remaining Conditions set forth above shall be completed and verified as completed within fourteen (14) days of the date hereof; however, this shall not preclude the institution of enforcement action for performance of The Agreement by the City before that time and all such enforcement actions are hereby authorized.

2. Each of the above-listed conditions constituting a code violation shall be corrected within five (5) days hereof and the property brought into compliance with the code and all substandard, dilapidated, hazardous and violative conditions upon it abated; however, this shall not preclude the institution of enforcement action for performance of The Agreement by the City before that time and all such enforcement actions are hereby authorized.

3. A copy of this order shall be personally served upon The Owner.

4. A motion for summary enforcement of this order will be made to the district court of Washington County unless corrective action is taken or an answer filed but this shall not preclude the institution of enforcement action for performance of The Agreement by the City before that time and all such enforcement actions are hereby authorized.

Passed and adopted by the City Council for the City of Lake Elmo this \_\_\_\_\_ day of May, 2009.

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

ATTEST:

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Craig W. Dawson, City Administrator