

File

City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, Minnesota

June 16, 2009

*****6:45 p.m. Interview with Park Commission applicant, Marty Dobbs***
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. Approval of the June 2, 2009 City Council 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. Approval of Park Meadows Final Plat, Resolution No. 2009-028
 - 4. Approval of Resolution No. 2009-027 accepting a Capital Improvement Project Grant from the Minnesota DNR cross-country ski GIA program for the construction of an information kiosk at Sunfish Lake Park
- J. REGULAR AGENDA:
 - 5. Lake Elmo Jaycees – Proclamation and Liquor License Request

6. Sharon Klumpp, Springsted, City Administrator Search Firm, approval of profile and schedule
7. Consideration of Resolution 2009-026 in support of application to the DNR Metro Greenways Grant Program for Sunfish Lake Park
8. Speed Indicator Sign on CR13 (Ideal Avenue) – Status Report
9. Sign Ordinance, Ordinance No. 08-015, Resolution No. 2009-025
10. MPCA Watermain Extension Project for Municipal Water to the Olson Property-Proposal to oversize to 12-inch trunk watermain pipe
11. Resolution No. 2009-029 authorizing publication of Storm Water Management and Erosion and Sediment Control Ordinance No. 08-016
12. Appointment to Parks Commission and Planning Commission
13. Appointment to Metro Cities Policy Committee
14. Roseville Accounting Services

K. 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

L. Adjourn

City Council
6/16/2009
CONSENT
Item: 2

ITEM: Approve disbursements in the amount of \$ 106,179.59

SUBMITTED BY: Tom Bouthilet, Finance Director

<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
ACH	\$ 7,395.15	Payroll Taxes to IRS 06/04/09
ACH	\$ 1,231.98	Payroll Taxes to Mn Dept.of Revenue 06/04/09
DD2220 - DD2233	\$ 18,432.40	Payroll Dated 06/04/2009 (Direct Deposit)
34293 - 34298	\$ 18,802.29	Payroll Dated 06/04/2009 (Payroll & Benefits)
34299 - 34357	\$ 60,317.77	Accounts Payable Dated 06/16/2009

Total: \$ 106,179.59

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the total amount of \$106,179.59

Accounts Payable

Checks for Approval

User: julie

Printed: 06/11/2009 - 12:55 PM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34309	06/16/2009	General Fund	Information Technology/Web	City of Roseville	1,551.58
34309	06/16/2009	General Fund	Contract Services	City of Roseville	587.50
34333	06/16/2009	General Fund	Cable Operations	Nicholas Anderson	58.58
34333	06/16/2009	General Fund	Use Tax Payable	Nicholas Anderson	-3.58
34311	06/16/2009	General Fund	Miscellaneous	Compensation Consultants, Ltd	40.00
34338	06/16/2009	General Fund	Cable Operation Expense	Steven Press	62.71
34338	06/16/2009	General Fund	Use Tax Payable	Steven Press	-3.83
34325	06/16/2009	General Fund	Dues & Subscriptions	MCFOA	35.00
34325	06/16/2009	General Fund	Dues & Subscriptions	MCFOA	35.00
34339	06/16/2009	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	585.75
34339	06/16/2009	General Fund	Repairs/Maint Bldg	Diane Rud	383.40
34339	06/16/2009	General Fund	Cleaning Supplies	Diane Rud	21.80
34339	06/16/2009	General Fund	Use Tax Payable	Diane Rud	-59.15
34326	06/16/2009	Water	Water Utility	MDH	1,405.00
34324	06/16/2009	General Fund	Repairs/Maint Contractual Eqpt	Loffler Companies, Inc.	221.62
34324	06/16/2009	General Fund	Use Tax Payable	Loffler Companies, Inc.	-13.53
34329	06/16/2009	General Fund	Small Tools & Equipment	MES-Depository Acct	124.27
34316	06/16/2009	General Fund	Small Tools & Equipment	Gruber's Power Equipment	1,011.75
34316	06/16/2009	General Fund	Small Tools & Equipment	Gruber's Power Equipment	-61.75
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	1,251.25
34307	06/16/2009	Water	Repairs/Maint Imp Not Bldgs	Burberl Black Dirt, Inc.	76.68
34336	06/16/2009	General Fund	Repairs/Maint Contractual Bldg	Plunkett's Pest Control	79.88
34354	06/16/2009	Water	Miscellaneous	Water Conservation Services In	223.20
34330	06/16/2009	General Fund	Contract Services	Miller Excavating, Inc.	1,218.11
34330	06/16/2009	General Fund	Street Maintenance Materials	Miller Excavating, Inc.	898.59
34356	06/16/2009	General Fund	Repairs/Maint Bldg	Yocum Oil Company, Inc.	160.13
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	38.11
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	16.10
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	22.09
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	34.25
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	14.00
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	20.33
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	51.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	26.01
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	45.00
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	20.00
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	18.50
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	53.50
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	33.60
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	41.50
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	35.00
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	42.50
34340	06/16/2009	General Fund	Miscellaneous	Lake Elmo Oil, Inc.	18.00
34308	06/16/2009	General Fund	Small Tools & Minor Equipment	Sam's Club	183.80
34317	06/16/2009	General Fund	Contract Services	Carquest Auto Parts Store	10.66
34345	06/16/2009	Water	Repairs/Maint Imp Not Bldgs	Hagbergs Country Market	20.27
34357	06/16/2009	General Fund	Cleaning Supplies	Telemetry & Process Controls	652.31
34357	06/16/2009	Water	Utility System Maintenance	Zack's, Inc.	97.98
34357	06/16/2009	General Fund	Shop Materials	Zack's, Inc.	41.88
34357	06/16/2009	General Fund	Small Tools & Minor Equipment	Zack's, Inc.	197.90
34318	06/16/2009	Water	Chemicals	Zack's, Inc.	51.98
34318	06/16/2009	General Fund	Use Tax Payable	Hawkins, Inc.	622.44
34351	06/16/2009	Fall Festival	Contract Services	Hawkins, Inc.	-37.99
34348	06/16/2009	Capital Aquisitions	Buildings and Structures	USA Inflatables Corp	332.17
34348	06/16/2009	Capital Aquisitions	Buildings and Structures	Twin City Garage Door Co.	4,336.50
34348	06/16/2009	Capital Aquisitions	Use Tax Payable	Twin City Garage Door Co.	413.00
34321	06/16/2009	General Fund	Contract Services	Twin City Garage Door Co.	-149.50
34320	06/16/2009	General Fund	Repairs/Maint Eqpt	Kamco	213.00
34350	06/16/2009	2002 GO Improvement Bond	Bond Interest	Interstate All Battery Ctr	385.80
34352	06/16/2009	General Fund	Books	US Bank Trust	2,581.25
34352	06/16/2009	General Fund	Books	VISA	120.00
34315	06/16/2009	General Fund	Repairs/Maint Imp Not Bldgs	VISA	91.96
34332	06/16/2009	General Fund	Dues & Subscriptions	Fred's Tire	18.96
34344	06/16/2009	General Fund	Street Maintenance Materials	NFPA	875.00
34344	06/16/2009	General Fund	Street Maintenance Materials	T.A. Schifsky & Sons Inc	1,369.68
34327	06/16/2009	General Fund	Repairs/Maint Bldg	T.A. Schifsky & Sons Inc	128.72
34327	06/16/2009	General Fund	Contract Services	Menards - Oakdale	-23.47
34355	06/16/2009	General Fund	Electric Utility	Menards - Oakdale	144.69
34355	06/16/2009	Sewer	Electric Utility	Xcel Energy	172.68
34355	06/16/2009	General Fund	Street Lighting	Xcel Energy	55.02
34355	06/16/2009	General Fund	Street Lighting	Xcel Energy	27.65
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	27.00
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	161.31
34355	06/16/2009	General Fund	Street Lighting	Xcel Energy	348.47
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	25.08
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	9.43
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	28.70
					18.02

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34355	06/16/2009	Water	Electric Utility	Xcel Energy	2,064.91
34355	06/16/2009	Sewer	Electric Utility	Xcel Energy	14.48
34355	06/16/2009	General Fund	Street Lighting	Xcel Energy	34.69
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	93.28
34355	06/16/2009	Sewer	Electric Utility	Xcel Energy	16.00
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	169.55
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	44.44
34355	06/16/2009	General Fund	Street Lighting	Xcel Energy	1,805.62
34355	06/16/2009	General Fund	Street Lighting	Xcel Energy	26.18
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	55.65
34355	06/16/2009	General Fund	Electric Utility	Xcel Energy	477.27
34355	06/16/2009	Water	Electric Utility	Xcel Energy	28.21
34355	06/16/2009	General Fund	Street Lighting	Xcel Energy	10.38
34327	06/16/2009	General Fund	Street Maintenance Materials	Menards - Oakdale	29.69
34342	06/16/2009	General Fund	Miscellaneous	St. Croix Tree Service	9,120.00
34331	06/16/2009	General Fund	Repairs/Maint Eqpt	NAPA Auto Parts	103.52
34331	06/16/2009	General Fund	Repairs/Maint Eqpt	NAPA Auto Parts	-37.35
34349	06/16/2009	General Fund	Conferences & Training	ULI Minnesota Dist Coucil	35.00
34303	06/16/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	36.73
34303	06/16/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	81.96
34303	06/16/2009	General Fund	Uniforms	Aramark, Inc.	36.14
34303	06/16/2009	General Fund	Uniforms	Aramark, Inc.	36.14
34303	06/16/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	74.13
34303	06/16/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	40.71
34303	06/16/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	26.68
34303	06/16/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	42.41
34303	06/16/2009	General Fund	Repairs/Maint Bldg	Aramark, Inc.	36.73
34303	06/16/2009	General Fund	Uniforms	Aramark, Inc.	36.14
34353	06/16/2009	General Fund	Information Technology/Web	Washington County	900.00
34312	06/16/2009	General Fund	Telephone	CP Telecom, Corp	521.78
34312	06/16/2009	General Fund	Telephone	CP Telecom, Corp	442.68
34301	06/16/2009	General Fund	Repairs/Maint Bldg	Allied Electrical Contractors	450.00
34337	06/16/2009	General Fund	Repairs/Maint Eqpt	Pomp's Tire Service, Inc.	150.00
34319	06/16/2009	General Fund	Small Tools & Equipment	HSBC Business Solutions	83.24
34300	06/16/2009	General Fund	Repairs/Maint Imp Not Bldgs	Ace Hardware , Inc	3.37
34300	06/16/2009	General Fund	Small Tools & Minor Equipment	Ace Hardware , Inc	41.48
34341	06/16/2009	General Fund	Telephone	Sprint	6.50
34299	06/16/2009	General Fund	Repairs/Maint Imp Not Bldgs	Abrahamson Nurseries	12,433.87
34310	06/16/2009	General Fund	Miscellaneous	COMCAST	7.87
34323	06/16/2009	General Fund	Fuel, Oil and Fluids	Lake Elmo Oil, Inc.	27.00
34304	06/16/2009	General Fund	Uniforms	Aspen Mills, Inc.	111.12
34304	06/16/2009	General Fund	Uniforms	Aspen Mills, Inc.	60.37
34335	06/16/2009	General Fund	Contract Services	Gopher State One-Call One Call Concept	298.45
34343	06/16/2009	Sewer	Utility System Maint Supplies	State Industrial Products	262.48
34328	06/16/2009	General Fund	Repairs/Maint Bldg	Menards - Stillwater	-15.66

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34328	06/16/2009	General Fund	Miscellaneous	Menards - Stillwater	13.65
34328	06/16/2009	General Fund	Repairs/Maint Bldg	Menards - Stillwater	26.58
34302	06/16/2009	General Fund	Radio	ANCOM COMMUNICATIONS, INC.	340.98
34313	06/16/2009	General Fund	Legal Services	Eckberg Lamers Briggs Wolff	3,287.78
34347	06/16/2009	General Fund	Contract Services	Tri-State Bobcat	349.50
34314	06/16/2009	General Fund	Repairs/Maint Eqpt	Emergency Automotive	23.93
34322	06/16/2009	General Fund	Miscellaneous	Lake Elmo Fire Department	7.99
34322	06/16/2009	General Fund	Small Tools & Equipment	Lake Elmo Fire Department	28.74
34322	06/16/2009	General Fund	Small Tools & Equipment	Lake Elmo Fire Department	-12.18
34322	06/16/2009	General Fund	Repairs/Maint Bldg	Lake Elmo Fire Department	20.20
34322	06/16/2009	General Fund	Repairs/Maint Eqpt	Lake Elmo Fire Department	9.58
34322	06/16/2009	General Fund	Repairs/Maint Eqpt	Lake Elmo Fire Department	25.87
34322	06/16/2009	General Fund	Miscellaneous	Lake Elmo Fire Department	8.50
34334	06/16/2009	Water	Small Tools & Equipment	Lake Elmo Fire Department	5.28
34334	06/16/2009	Water	Water Meters & Supplies	Northern Water Works Supply IN	489.94
34334	06/16/2009	Water	Small Tools & Minor Equipment	Northern Water Works Supply IN	72.85
34346	06/16/2009	General Fund	Utility System Maintenance	Northern Water Works Supply IN	152.17
34346	06/16/2009	General Fund	Street Maintenance Materials	Tessman Company Corp	278.08
34305	06/16/2009	General Fund	Chemicals	Tessman Company Corp	125.00
34306	06/16/2009	General Fund	Repairs/Maint Eqpt	ASTLEFORD International	53.72
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	81.27
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	122.54
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
34306	06/16/2009	General Fund	Rentals - Buildings	Biff's Inc.	81.27

Total for this Date: 60,317.77

Report Total: 60,317.77

City Council
Date: June 16, 2009
CONSENT
Motion
Resolution No. 2009-028

ITEM: Resolution accepting the public infrastructure improvements of the Park Meadows Development

SUBMITTED BY: Jack Griffin, City Engineer

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

SUMMARY AND ACTION REQUESTED: The City Council is being asked to accept the public infrastructure installed as part of the Park Meadows Development. Engineering staff has reviewed the requirements of the Developer's Agreement dated November 1, 2005, and the public infrastructure has been installed in general conformance to City standards. Please refer to the attached City Engineer's recommendation letter of acceptance for this development.

RECOMMENDATION

It is hereby recommended that the City Council approve Resolution No. 2009-028 accepting the public infrastructure installed as part of the Park Meadows development.

Motion

Move to approve Resolution No. 2009-028 accepting the developer-installed public infrastructure improvements for the Park Meadows Development.

ATTACHMENTS:

1. City Engineer's letter of development approval, dated June 11, 2009
2. Resolution No.2009-028

TKDA

ENGINEERS • ARCHITECTS • PLANNERS

444 Cedar Street, Suite 1500
Saint Paul, MN 55101-2140

(651) 292-4400
(651) 292-0083 Fax
www.tkda.com

June 11, 2009

Mr. Joe Bush
J.P. Bush Homes
3537 Lake Elmo Avenue
Lake Elmo, Minnesota 55042

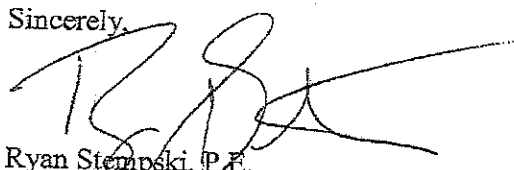
Re: Engineer's Recommendation for Final Acceptance
Park Meadows Development
City of Lake Elmo, Minnesota
TKDA Project No. 13819.008

Dear Mr. Bush:

The Lake Elmo City Council authorized the release of the financial security, except for establishment of the infiltration basin, for the Park Meadows Development on October 7, 2008. The infiltration area has now been reviewed and approved by City Staff, therefore we find that the work has been fully completed in all respects and in accordance with the Developer's Agreement, the Contract, Plans and Specifications, and the applicable standards and ordinances of the City. The Improvements are hereby declared to be complete and acceptance of the Improvements by the City is recommended.

The public improvements have been installed with a minimum one-year warranty.

Sincerely,


Ryan Stepiński, P.E.
Assistant City Engineer

cc: Craig Dawson, Interim City Administrator
Kyle Klatt, Planning Director
Mike Bouthilet, Public Works Superintendent

CITY OF LAKE ELMO
WASHINGTON COUNTY
STATE OF MINNESOTA

RESOLUTION NO. 2009-028

A RESOLUTION ACCEPTING
THE DEVELOPER-INSTALLED PUBLIC INFRASTRUCTURE IMPROVEMENTS FOR
THE PARK MEADOWS DEVELOPMENT

WHEREAS, the public infrastructure improvements the for the Park Meadows subdivision have been fully completed in compliance with the Development Agreement dated November 1, 2005, with J.P. Bush Homes (the "Developer"), and the standards and ordinances of the City;

WHEREAS, the City Engineer has reviewed the improvements and in correspondence dated June 11, 2009, has declared the public infrastructure improvements to be complete and recommends acceptance by the City;

WHEREAS, the estimated aggregate costs relating to the installation of public improvements is \$299,000.00; and

WHEREAS, the city shall, upon acceptance of the improvements, account for those assets.

NOW, THEREFORE, BE IT RESOLVED, the City Council accepts the Developer-installed public infrastructure improvements for Park Meadows; effective as of June 16, 2009.

Date: June 16, 2009 CITY OF LAKE ELMO

By: _____
Dean A. Johnston
Mayor

ATTEST:

Craig W. Dawson
Interim City Administrator

City Council
Date: 6/16/09
CONSENT
Item:
Resolution 2009-027

ITEM: Consideration of a resolution in support of accepting a Capital Improvement Project Grant from the Minnesota DNR cross-country ski GIA program for the construction of an information kiosk at Sunfish Lake Park.

REQUESTED BY: Carol Kriegler, Project Assistant

REVIEWED BY: Park Commission
Mike Bouthilet, Parks & Public Works Superintendent
Craig Dawson, City Administrator

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to consider a resolution in support of accepting a Capital Improvement Project Grant from the Minnesota DNR cross-country ski GIA program for the construction of an information kiosk at Sunfish Lake Park. The grant is for \$2,000. No matching funds are required and it is anticipated that the grant will cover 100% of the cost of the project.

The City Council approved a resolution in support of applying for the grant at the May 5 meeting. This resolution currently under consideration is in support of accepting the grant.

BACKGROUND INFORMATION

The DNR'S cross country ski GIA program offers capital improvement grants that are reimbursable at 100%. The kiosk proposed in the grant application will provide a central location for the posting of general information to assist users in their ability to use the trail in a safe and enjoyable manner. Information that could be posted includes a trail map, rules and regulations, emergency and general contacts, and interpretive information. The kiosk would also be used to demonstrate the city's strong commitment to its recycling program. The use of recycled plastic lumber to construct the kiosk has the potential to reinforce the value in recycling.

SUGGESTED MOTION FOR CONSIDERATION:

MOTION 1:

Move to approve a resolution no. 2009-027 in support of accepting the Minnesota DNR country ski GIA capital improvement grant in the amount of \$2,000 for the construction of an information kiosk at Sunfish Lake Park.

CITY OF LAKE ELMO
Washington County, Minnesota

Resolution No. 2009-027

A Resolution to accept the grant award for the construction of an information kiosk from the Minnesota Department of Natural Resources funded by the Federal Recreational Trail Grant Program and the Cross-Country Ski Capital Improvement Grant-in-Aid Programs.

WHEREAS, the City of Lake Elmo supports application made to the Minnesota Department of Natural Resources for the Federal Recreational Trail Grant Program and the Cross-Country Ski Capital Improvement Grant-in-Aid programs. The City of Lake Elmo will act as legal sponsor for the application made to the Department of Natural Resources for the reimbursement grant. The project is to construct an informational kiosk at Sunfish Lake Park,

WHEREAS, the City of Lake Elmo recognizes the fifty (50) percent match requirement for the Federal Recreational Trail grant program is the Cross-Country Ski Capital Improvement Grant-in-Aid program.

NOW, THEREFORE, BE IT RESOLVED, the City of Lake Elmo agrees to accept the grant award from the aforementioned two funding programs, and may enter into an agreement with the State of Minnesota for the above referenced project. The City of Lake Elmo will comply with all applicable laws, environmental requirements as stated in the grant agreement, and

BE IT FURTHER RESOLVED, the City Council of the City of Lake Elmo names the fiscal agent for the City of Lake Elmo for this project as:

Tom Bouthilet
Finance Director
City of Lake Elmo
3800 Laverne Ave. N.
Lake Elmo, MN 55042

BE IT FURTHER RESOLVED, the City of Lake Elmo hereby assures the Sunfish Lake Park ski trails will be maintained for a period of no less than 20 years by the City of Lake Elmo.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, THIS 16th DAY OF JUNE, 2009.

Dean Johnston, Mayor

ATTEST:

Sharon Lumby, City Clerk

City Council
Date: 6/16/09
CONSENT
Item:
Motion

ITEM: Consider On-Sale Non-Intoxicating Liquor License for Huff'n Puff Days

Proclaim August 6-9th 2009 as Huff'n Puff Days

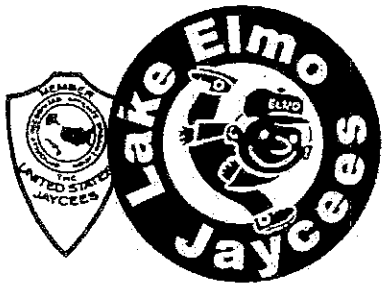
SUBMITTED BY: Sharon Lumby

SUMMARY AND ACTION REQUESTED: The city council is being asked to proclaim August 6-9th, 2009, the official City celebration for 2009 and to urge all citizens of our community to give full regard to the past and continuing services of the Lake Elmo Jaycees.

The City Council is being asked for approval of its On-Sale Non-Intoxicating Liquor License for its annual Huff'n Puff festival and to waive the fee for the liquor license.

MOTION:

Moved to grant approval of the on-sale non-intoxicating malt liquor license and waive the liquor license fee for August 6-9th, 2009 Huff'n Puff Days.



LAKE ELMO JAYCEES

P.O. Box 198

Lake Elmo, MN 55042

PO Box 198

Lake Elmo, MN 55042



Proclamation

WHEREAS, the Lake Elmo Jaycees have been a vital part of the development of young leaders of our community the past 39 years and

WHEREAS, this organization of young people will again be sponsors of Huff and Puff Aug 6th, 7th, 8th and 9th 2009

NOW, THEREFORE, I, Dean Johnston, Mayor of Lake Elmo, do hereby proclaim the weekend of Aug 6th to the 9th.

Huff and Puff Days

In Lake Elmo, and urge all citizens of our community to give full regard to past and continuing services of the Lake Elmo Jaycees.

Signed this _____ day of June, 2009

Dean Johnston, Mayor of Lake Elmo



Springsted Incorporated
380 Jackson Street, Suite 300
Saint Paul, MN 55101-2887

Tel: 651-223-3000
Fax: 651-223-3002
www.springsted.com

MEMORANDUM

TO: Lake Elmo City Council

FROM: Sharon Klumpp

DATE: June 12, 2009

SUBJECT: Position Profile and Search Process

Position profile. The position profile for the Lake Elmo city administrator recruitment process is attached for your review and comment. The profile reflects a synthesis of Springsted's individual meetings with city council members and the department head focus group. It includes the education and experience requirements that will be used to evaluate each applicant's fit with the position and further describes the position stating the desired capabilities, immediate priorities, and professional opportunities available.

The recommended compensation level is up to \$105,000. Our research based on 2008 information shows metro area communities with a population between 6,000 and 10,000 paying on average an annual salary of \$99,600 with a maximum salary range of \$101,435. We also looked at communities with a population of 6,000 to 15,000, recognizing that Lake Elmo's population is expected to exceed 20,000 by 2030. For these communities, we found an average annual salary of \$98,000 and a maximum salary range of \$103,000. In addition, we note that Bayport (pop. 3,200) is currently advertising for a city administrator up to a salary of \$100,169. Considering this information, we recommend advertising the position with an annual salary of up to \$105,000 to attract experienced administrators who will not require a long time to get up to speed.

The city council's approval of the position profile and general advertisement are requested so we can proceed with advertising the position. Ads will be placed on the League of Minnesota Cities web site and on web sites of neighboring states. The ad will also appear on the city's website and at springsted.com. If the city council would like this search to be advertised nationally, the ad can be placed on the web site operated by the International City/County Management Association. This may help us reach a broader audience, but it will also increase the likelihood of paying travel expenses for out-of-state candidates invited to interview for the position.

Search process. The search timetable is attached for your review and comment. Note that we are proposing August 20-21 as interview dates. August is a popular month for vacations and we recognize that some city council members

may not be available on those dates. It is important to select a date that is workable for all members of the city council. Alternate dates would be August 27-28 and September 10-11. All of the dates proposed are Thursdays and Fridays. Interviews can be conducted on a Saturday if that works better for council members.

Please be prepared to select interview dates at the June 16 meeting. Keeping these dates open on your schedule will help us expedite the interview process and to provide early notification to prospective candidates of the dates you would like to conduct interviews.

Attachments:

Position Profile

General Advertisement

Salary Survey for Metro Communities (pop. 6,000-10,000)

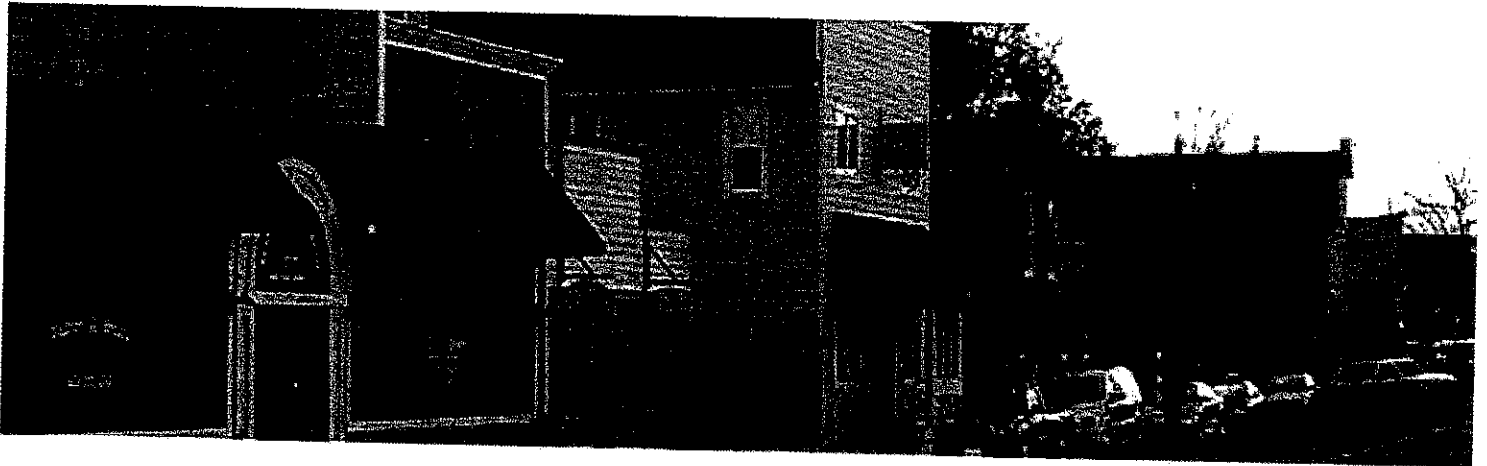
Salary Survey for Metro Communities (pop. 6,000-15,000)

Tentative Project Search Timeline

The City of Lake Elmo, Minnesota

is recruiting for the position of

City Administrator



Recruitment Process Conducted By:

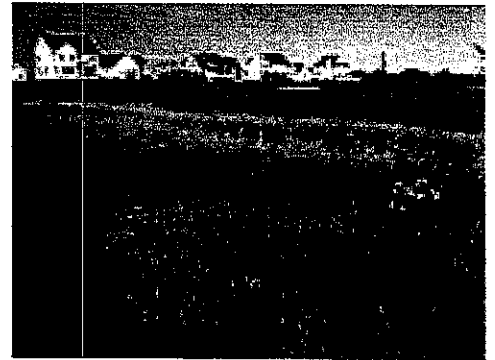
Sharon Klumpp, Senior Vice President
Springsted Incorporated
380 Jackson Street, Suite 300
Saint Paul, Minnesota 55101-2887
Telephone: 651.223.3053
Fax: 651.223.3002
E-mail: lakeelmo@springsted.com

The Community

Nestled in the heart of Washington County, the city of Lake Elmo is a picturesque community with a population of 8,182, located 10 miles east of downtown Saint Paul. Covering 24 square miles, the community is noted for its rolling hills and rural setting. The city features an attractive chain of lakes, taking its name from the largest of these lakes. Lake Elmo is home to an extensive park system, including the Lake Elmo Regional Park Reserve. With a variety of housing options available, Lake Elmo is a highly sought residential community.

The city enjoys excellent accessibility to the Minneapolis-Saint Paul metropolitan area via Interstate Highway 94 and State Highways 5 and 36. Major employers located near Lake Elmo include 3M, Independent School District 834 in Stillwater, The Hartford, and Imation Corporation.

The city of Lake Elmo is developing plans to accommodate a population of 24,000 by 2030, as a result of an agreement with the Metropolitan Council. Plans call for capitalizing on the character of the Old Village through the development of new housing units, pedestrian and bicycle trails, a central park and public facilities. Additional housing units will be located along the I-94 corridor.



Housing development in Lake Elmo

History

Lake Elmo's first settlers arrived in 1848, building a hotel and tavern, which served as a stage coach stop connecting Stillwater and Saint Paul. In the 1870s, it gained popularity as a resort area where visitors enjoyed fishing and other recreational opportunities. Street car lines running out of Mahtomedi eventually replaced stage coaches; Lake Elmo lost many of its resort businesses in the 1890s. Over time, tourism gave way to agriculture as the dominant industry.

In 1925 the small commercial district incorporated as a village. Present day Lake Elmo was formed in 1972 when the village joined with East Oakdale Township. With the growth of the Minneapolis-Saint Paul metropolitan area, Lake Elmo saw an increase in residential development accompanied by a decline in farming. By encouraging rural residential development, the city limited typical suburban residential patterns found throughout the metropolitan area. The city is well positioned to accommodate new residential and employment growth while retaining its rural character.

Education

The City is served by three independent school districts: ISD No. 622, North St. Paul-Maplewood-Oakdale; ISD No. 832, Mahtomedi; and ISD No. 834, Stillwater. The primary district is ISD No. 834, Stillwater, which operates nine elementary schools, two middle schools, a senior high school, and an area learning center. Lake Elmo Elementary and Oak Land Junior High schools are located in Lake Elmo. District enrollment for the 2008/2009 school year is 8,782. Recognized for its use of technology in the classrooms, ISD No. 834 offers a variety of academic and extra-curricular programs.

Independent School District No. 622, North St. Paul-Maplewood-Oakdale, operates nine elementary schools, three middle schools, two senior high schools, and an alternative school. District enrollment for the 2008/2009 school year is 11,108.

Independent School District No. 832, Mahtomedi, operates two elementary schools; one middle school, and one senior high school. Combined enrollment for the 2008/2009 school year is 3,105 students.

A wide range of public and private colleges and universities are located within easy driving distance for Lake Elmo residents, including Century Community and Technical College, the University of Minnesota, Metropolitan State University and the University of Wisconsin - River Falls. A variety of technical schools and training programs are also available.

Health Care

Two hospitals serve Lake Elmo residents providing comprehensive health care services. Lakeview Hospital, recognized as one of the nation's 100 Top Hospitals® by Thomson Reuters, is located in Stillwater and Woodwinds Hospital is in Woodbury. A number of clinics are located within the city. Residents also enjoy access to a variety of health providers located in the Minneapolis-Saint Paul metropolitan area.

Recreation

Lake Elmo and the surrounding area offers a multitude of outdoor recreational opportunities, including swimming, fishing, water skiing, boating and sailing, as well as hiking, camping, tennis, cycling, and numerous winter sports such as snowmobiling trails and cross country skiing. The area is also well-known for its wildlife habitat and excellent hunting.



Lake Elmo Beach

The Lake Elmo Regional Park Reserve is a 3.5 square mile area that is being returned to its natural state to reflect the land as it was before settlers arrived. 80 percent of the park is a natural preserve, and the remaining 20 percent is devoted to active recreation, including a boat launch, hiking trails, three separate campgrounds, canoe access to the lake and equestrian trails through the woods. It is an ideal site for picnicking, camping, swimming, boating, hiking and trail rides. Outside of the Lake Elmo Park Reserve, there are over 15 city and county parks that residents can enjoy. The nearby St. Croix River offers yet another population destination for relaxation and recreation.

Community Celebrations

Lake Elmo takes pride in its community events. As a host for the annual Washington County Fair, much of the preceding year is spent preparing for this event. Held the first week in August, the Washington County Fair features a demolition derby, motorcycle racing, ATV pulls, tractor pulls, horse pulls, carnival rides, 4-H exhibits, horse shows, balloonists, live entertainment, sheriff's demonstrations, a parade, talent shows, arts and crafts, and booths featuring local businesses.

Recently, a fall festival has been organized to welcome local residents and to help neighbors get to know each other. The festival features a parade, silent auction, car show, live band and a pig roast.

The Organization

Lake Elmo operates as a Plan A Minnesota statutory city. The city council is comprised of a mayor elected at-large for a four-year term and four council members also elected at-large for four-year terms. The city council is assisted by various commissions and citizen committees.

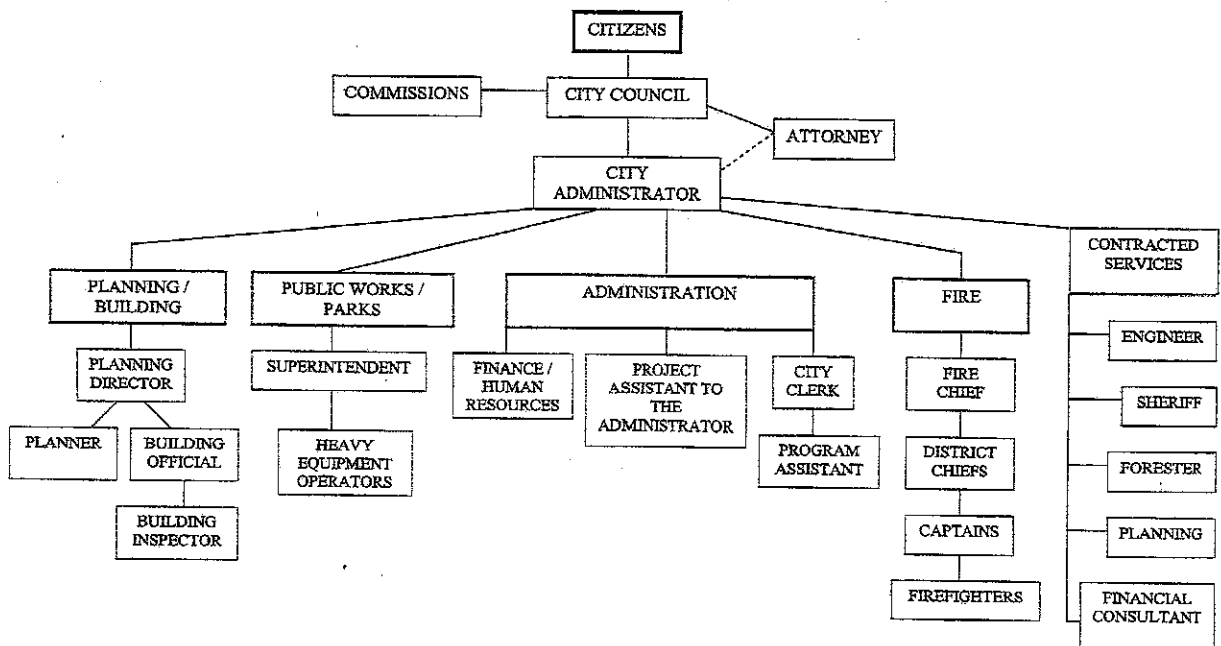
The city administrator reports to the city council and serves at its pleasure. As the city's chief administrative officer, this position is responsible for supporting the city council's policy-making activities, preparing and administering the city's budget, and directing and overseeing municipal operations in accordance with city ordinances, resolutions, and policies. The city administrator is also responsible for providing strategic direction to implement the approved comprehensive plan.

The city administrator has six direct reports and exercises supervision over all municipal employees, either directly or through city department heads. The position also provides oversight and coordination with contracted services, including engineering, planning, law enforcement, forestry, and finance.

The city of Lake Elmo has a 2009 general fund budget of \$2,892,060 and employs a 13-member staff, including a full-time fire chief. The city also has 27 paid on-call fire firefighters who operate from two stations.

The city of Lake Elmo organizational chart is shown below.

CITY OF LAKE ELMO ORGANIZATIONAL CHART



Position Requirements

Bachelor's degree in public administration or a related field, Master's degree preferred; and at least five years experience in local government management as a city administrator or assistant administrator with a strong background in planning and growth management. The ideal candidate will be a skilled leader who effectively engages the city council, residents, and staff and builds consensus on creative ways to approach city issues. Requires experience in government finance, long-range planning, staff management, and intergovernmental relations. Must demonstrate strong interpersonal and communications skills and have a thorough knowledge of municipal operations.

Desired Capabilities

- Experienced leader who encourages the city council, staff and residents to create a positive vision for the future
- Builds a trusted relationship with the city council, understands what is important to each member while working at the direction of the entire council
- Open and honest communicator who ensures that all council members receive consistent information
- Good listener who helps elected officials frame policy issues and offers professional advice and recommendations
- Calm and objective under pressure; handles conflict straightforwardly and tactfully without taking things personally
- Skilled manager who implements city plans and policies and achieves the desired outcomes within established timelines
- Promotes a collaborative work environment that values teamwork, initiative, and accountability
- Creative thinker who is receptive to new ideas and continuously seeking opportunities to improve operations and services



Lake Elmo Fishing Pier

Immediate Priorities

Immediate priorities requiring the city administrator's attention include:

- Establishing effective working relationships with the city council, staff and residents
- Becoming familiar with the comprehensive plan and the requirements of the memorandum of understanding with the Metropolitan Council as preparation to address development decisions for the Old Village and along the I-94 corridor
- Assessing city operations and staffing levels and identifying opportunities to improve services and maximize public resources

Opportunities for Leadership

Developing creative growth strategies. The city administrator will provide leadership in developing creative growth strategies and development standards designed to enhance sustainability and preserve the community's natural resources. Because of the current economic climate, the city expects to renegotiate growth targets with the Metropolitan Council.

Opportunities for Leadership (Continued)

Promoting sustainability. As the city places an increasing emphasis on sustainability in its development standards, it recognizes sustainability as a community-wide value that should be reflected in city services and operations. The city administrator will introduce and explore opportunities for the city to become a model for sustainable development and services.

Infrastructure financing. Planning for growth requires the extension of utilities and other infrastructure. The city administrator will make recommendations to the city council on sizing, timing and financing of infrastructure needed to support the city's development plans as well as the maintenance and replacement of existing infrastructure in other areas of the city.

Planning for future operations. As the city grows, the operating requirements for city services will change. The city administrator will evaluate changing service needs, being open to opportunities for arrangements with other local governments and private and non-profit organizations.

Building a cohesive sense of community. Lake Elmo's small town charm is one of its greatest assets. As its population increases, the city wants to take proactive steps to build a cohesive sense of community. The city administrator will provide leadership in developing and implementing strategies that enhance the city's sense of community.

Compensation

Salary up to \$105,000 commensurate with qualifications and experience. The city's benefit program includes paid-time off; health, dental and life insurance; short and long term disability insurance and retirement contributions through the Public Employers Retirement Association or an approved alternate plan.

Application and Selection Process

To apply for this position, send a cover letter, resume, salary history and work-related references to Sharon Klumpp, Senior Vice President, Springsted Incorporated, 380 Jackson Street, Suite 300, Saint Paul, MN 55101-2887; lakeelmo@springsted.com; 651.223.3053 or fax to 651.223.3002. Position open until filled. Review of resumes will start on July 15, 2009.

Equal Opportunity Employer

Tentative interview dates: August 20-21, 2009



The City of Lake Elmo, MN, (pop. 8,182) seeks an experienced city administrator. Reports to a 5-member city council. Supervises a general fund budget of \$3 million and 13 FTEs. Requires bachelor's degree in public administration or related field & 5 years experience as a local government administrator or assistant administrator with a strong background planning and growth management. Master's degree desired. Requires experience in government finance, long-range-planning, staff management, and intergovernmental relations. Must have strong interpersonal and communications skills and a thorough knowledge of municipal operations. Salary up to \$105,000 DOQ/E. Visit www.lakeelmo.org and www.springsted.com for brochure & more information. Cover letter, resume, salary history, & work-related references to Sharon Klumpp, Springsted Incorporated, 380 Jackson St., Suite 300, St. Paul, MN 55101; 651/223-3053; e-mail lakeelmo@springsted.com. Position open until filled. Initial review of resumes begins 7/15/09. EOE.

Annual Salary Data for Metro Communities from 6,000 to 10,000 Population

Source: League of Minnesota Cities Salary Database

Municipality	Population	Region	Organization's Job Title	Range Minimum	Range Maximum	Actual Low	Actual High	Actual Average
Arden Hills	9903	Metro	City Administrator	87,756.00	109,695.00	106,000.00	106,000.00	106,000.00
Lake Elmo	7695	Metro	City Administrator	76,608.00	97,033.00	100,734.40	100,734.40	100,734.40
Mahtomedi	8039	Metro	Administrator	72,841.60	95,867.20	95,867.20	95,867.20	95,867.20
Shorewood	7499	Metro	City Clerk/Administrator	72,600.00	105,000.00	96,000.00	96,000.00	96,000.00
Spring Lake Park	6623	Metro	Administrator/Clerk/Treasurer	74,193.59	95,097.60	95,097.60	95,097.60	95,097.60
St. Anthony Village	8361	Metro	City Manager	0.00	107,723.00	107,723.00	107,723.00	107,723.00
Victoria	6039	Metro	City Administrator	79,355.00	99,194.00	93,383.00	93,383.00	93,383.00
Waconia	9557	Metro	City Administrator	86,593.00	101,874.30	101,874.30	101,874.30	101,874.30
Un-aged Average				\$68,743.40	\$101,435.51	\$99,584.94	\$99,584.94	\$99,584.94
Aged Average								\$102,689.17

Annual Salary Data for Metro Communities from 6,000 to 15,000 Population
Source: League of Minnesota Cities Salary Database

Municipality	Population	Region	Organization's Job Title	Range Minimum	Range Maximum	Actual Low	Actual High	Actual Average
Arden Hills	9903	Metro	City Administrator	87,756.00	109,695.00	106,000.00	106,000.00	106,000.00
Circle Pines	5153	Metro	City Administrator	67,849.60	89,273.59	89,273.59	89,273.59	89,273.59
Corcoran	5800	Metro	Administrator Grade level 19	80,191.80	98,654.40	80,191.80	80,191.80	80,191.80
Dayton	5013	Metro	City Administrator	87,412.31	110,604.50	102,260.00	102,260.00	102,260.00
East Bethel	12142	Metro	City Administrator	0.00	126,172.80	126,172.80	126,172.80	126,172.80
Falcon Heights	5776	Metro	City Administrator			83,300.00	83,300.00	83,300.00
Hugo	10361	Metro	City Administrator	83,477.00	108,747.00	108,747.00	108,747.00	108,747.00
Jordan	5146	Metro	Administrator	71,196.00	93,672.00	93,672.00	93,672.00	93,672.00
Lake Elmo	7695	Metro	City Administrator	76,608.00	97,033.00	100,734.40	100,734.40	100,734.40
Little Canada	10082	Metro	City Administrator	83,076.00	99,443.00	99,443.00	99,443.00	99,443.00
Mahtomedi	8039	Metro	Administrator	72,841.60	95,867.20	95,867.20	95,867.20	95,867.20
Mendota Heights	11566	Metro	City Administrator	81,886.00	99,533.00	99,532.00	99,532.00	99,532.00
Minnetrista	5902	Metro	City Administrator	81,868.00	98,238.00	88,000.00	88,000.00	88,000.00
Mounds View	12680	Metro	City Clerk/Administrator	83,220.80	104,041.60	88,420.80	88,420.80	88,420.80
Robbinsdale	13698	Metro	City Manager	89,419.20	118,830.40	117,416.00	117,416.00	117,416.00
Shorewood	7499	Metro	City Clerk/Administrator	72,600.00	105,000.00	96,000.00	96,000.00	96,000.00
Spring Lake Park	6623	Metro	Administrator/Clerk/Treasurer	74,193.59	95,097.60	95,097.60	95,097.60	95,097.60
St. Anthony Village	8361	Metro	City Manager	0.00	107,723.00	107,723.00	107,723.00	107,723.00
St. Paul Park	5323	Metro	City Administrator			85,000.00	85,000.00	85,000.00
Victoria	6039	Metro	City Administrator	79,355.00	99,194.00	93,383.00	93,383.00	93,383.00
Waconia	9557	Metro	City Administrator	86,593.00	101,874.30	101,874.30	101,874.30	101,874.30
Un-aged Average				\$71,554.94	\$103,089.18	\$98,005.17	\$98,005.17	\$98,005.17
Aged Average								\$100,816.26

City of Lake Elmo, Minnesota
Tentative Project Schedule
City Administrator Search

Schedule	
Date	Event
June 12, 2009	Draft position profile is completed and forwarded to the City Council
June 16, 2009	City Council approves the position profile (Springsted present)
June 18-19, 2009	Advertisements placed
June 19 – July 17, 2009	Recruitment (recruitment open until position is filled; review of resumes starts July 15)
July 17 – July 30, 2009	Candidate screening and evaluation
July 31, 2009	Written candidate information to the City Council
August 4, 2009	City Council selects candidates to interview; specific interview process determined. (Springsted present)
August 5 – 14, 2009	Reference checks and background reports completed
August 18, 2009	Supplemental information on candidate references distributed interviews conducted, Springsted present
August 20-21, 2009	Interviews conducted (Springsted present); employment offer made following the interviews
September 1, 2009	Approval of employment agreement

ITEM: Consideration of Resolutions in support of formal applications to the DNR Metro Greenways Grant Program for Sunfish Lake Park

REQUESTED BY: Carol Kriegler, Project Assistant
Kathy Widin, City Forester

REVIEWED BY: Park Commission
Craig Dawson, Interim City Administrator
Mike Bouthilet, Parks and Public Works Superintendent

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to consider resolutions in support of formal applications to the Minnesota DNR Metro Greenways Program for Sunfish Lake Park. One grant is a restoration grant for the installation / management of prairie in Area 2 while the other is a conservation planning grant for the development of a natural resource management plan for the entire park.

The restoration grant requires a 50% match. The cost of the project is estimated at \$60,700 through mid-summer 2011. The City then, would be required to provide a match of \$30,350.00 over two and a half years with the funds coming from the park capital fund. The conservation planning grant for the development of a natural resource management plan requires a 25% match. The cost of the project is estimated at \$11,075.00. The City then, would be required to provide a match of \$2,768.75 with the funds coming from the park capital fund.

BACKGROUND INFORMATION

Sunfish Lake Park Prairie Restoration (Metro Greenways Grant Program)

The Minnesota DNR's Metro Greenways program was established to protect, connect and restore natural areas in the Twin Cities metropolitan region. The program provides grants through a competitive process to local units of government to protect, restore, and enhance high quality natural habitats. Metro Greenways restoration project grants provide funding for 50% of total project costs.

Area 2 of Sunfish Lake Park is a 20 acre parcel that has been in agriculture for a number of years. Most recently the area has been planted in wheat. The very nearly finalized Conservation Easement for the park calls for this area of the park to eventually be restored to a plant community native to the area. An ecologist has recently identified small areas within the park as mesic prairie. Restoration of the area to a native plant community will result in improved wildlife habitat, increased plant diversity and improved aesthetics for park users and residents. The installation of the project and subsequent management practices would be based on sound and well-founded ecological principles.

Goals:

- To restore the area currently being cropped, to a plant community (prairie) that closely resembles what would have existed in pre-settlement times.
- To develop and implement a native planting at the parks entrance and along the drive into the park that would be somewhat organized and educational in nature.

- To develop and implement a plan for the parking area that would define the area and prohibit cars from entering other areas of the park.
- To develop and implement a plan for a filter strip and raingarden along the north side of the parking lot that would filter run-off and protect water quality of Sunfish Lake Park.

Restoration Process

Conducting restoration activity shortly after wheat harvest late this summer should provide excellent conditions and opportune timing to begin the project. It will take about 5 years to effectively establish the prairie.

The prairie restoration process includes seed bed preparation, seed installation, mulching, sensibly applied herbicide applications to control invasive species, mowing and burning. A seed mix will be used that is comprised of the species that are believed to be native to the site. The seed will originate from the same ecoregion or in counties that adjoin this ecoregion. The installation of the restoration project and subsequent management will be based on sound and well-founded ecological principles. The restoration project does not include the planting of seedlings, though the prairie could be supplemented with seedlings in the future, at a cost of about ninety cents per seedling.

Budget

Improvement Activity	Entity	Cost
Prairie Restoration installation '09	Private firm	\$36,000
Prairie Management '10	Private firm	\$8,000
Prairie Management '11	Private firm	\$4,000
Entrance / driveway native planting, raingarden, parking area planning and design.	WCCD	\$1,200
Parking lot improvements, raingarden implementation	Private firm / conservation group	\$6,500
Entrance / drive native plantings		\$5,000

The total cost of the Sunfish Lake Park restoration / improvement projects is anticipated to be about \$60,700 through mid summer of 2011. It is suggested that the grant request be in the amount of \$30,350.00. The City then, would be required to provide match of up to \$30,350.00 for the project through mid-summer of 2011 that would come from the city's park capital fund.

While only the prairie restoration portion of the project is technically eligible for grant funding, representatives of the DNR have indicated a willingness to accept expenditures related to the other improvements (entrance – driveway plantings, parking lot, raingarden), towards the 50% match on the prairie restoration costs. In addition, representatives of Valley Branch Watershed District have expressed a good possibility that any improvements related to protecting / improving water quality would be eligible for a community cost share grant of 50%. Therefore, it's possible

that the City's share of the total improvement project could be less than 50% of the total project cost.

While the grant provides funding for activities that occur through mid-summer of 2011, it will take about 5 years to effectively establish the prairie. The majority of the total costs of the project are associated with the installation with annual management costs decreasing each year.

Sunfish Lake Park Natural Resource Management Plan (Metro Greenways Grant Program)

The Metro Greenways Grant Program also offers grants for the development of natural Resource Green Infrastructure Based Plans. Reimbursement for the conservation planning grants is 75%.

Sunfish Lake Park is an area with significant natural features, wetland, woodland, and grassland plant communities which have become degraded over time, primarily through colonization by invasive plants. Water quality, wildlife habitat and enjoyment of the park by users have been reduced as plant diversity and habitat quality have decreased. These native plant communities are still at a point where they can be improved with planned conservation management. Such management will result in improved wildlife habitat and water quality with the added benefit of improved aesthetics for park users.

Goal: The goal of a natural resource management grant for Sunfish Lake Park is to assess current status of park natural resources and prepare a long-term management plan to address ways to improve the plant communities so that they function to protect water quality and improve wildlife habitat.

Objectives:

1. Survey the existing plant communities to determine species composition and degree of disturbance/degradation
2. Survey presence of invasive plants and degree of invasiveness
3. Develop management protocols for invasive plants
4. Develop plans for re-planting and establishing native tree, shrub and ground-layer plant species

Partners: The City of Lake Elmo, Valley Branch Watershed District, Washington Conservation District, private ecological restoration firm

Budget

Entity	Estim. Hours	Hourly Rate	Estim. Cost
K. Widin, Forestry Consultant	100	\$50./hr	\$5,000.
Plant Ecologist (private firm)	75	\$65./hr	\$4,875.
Wash. Conserv. Dist. (wetland specialist, staff)	20	\$60./hr	\$1,200.
Total estimated cost for mgt. plan			\$11,075. (grant request = \$8,306.25)

The total cost of the development of a Sunfish Lake Park natural resource management plan is estimated to be \$11,075.00. It is suggested that the grant request be in the amount of \$8,306.25. The city then, would be required to provide a match of \$2,768.25 for the project that would come from the City's park capital fund.

ACTION REQUESTED:

Motion to adopt resolution no. 2009-026 in support of formal applications to the Minnesota DNR Metro Greenway Grant Program for Sunfish Lake Park.

**CITY OF LAKE ELMO
Washington County, Minnesota**

Resolution No. 2009-026

A Resolution to support applications made to the Minnesota Department of Natural Resources Metro Greenways grant program for a restoration grant and conservation planning grant for Sunfish Lake Park.

WHEREAS, the City of Lake Elmo recognizes Sunfish Lake Park as a beloved oasis with significant natural features,

WHEREAS, the City of Lake Elmo recognizes that Sunfish Lake Park is an area with wetland, woodland, and grassland communities that have become degraded over time

WHEREAS, the City of Lake Elmo is committed to the conservation, preservation, protection, management, and restoration of its valued natural resources,

WHEREAS, the City of Lake Elmo supports the restoration of an approximate twenty (20) acre parcel of Sunfish Lake Park,

WHEREAS, the City of Lake Elmo supports the development of a natural resource management plan for Sunfish Lake Park,

NOW, THEREFORE, BE IT RESOLVED, the City of Lake Elmo supports application to the Minnesota Department of Natural Resources Metro Greenways grant program for a restoration grant to restore a prairie at Sunfish Lake Park and supports application to the Minnesota Department of Natural Resources Metro Greenways grant program for a conservation planning grant for the development of a natural resource management plan for Sunfish Lake Park.

BE IT FURTHER RESOLVED, the City Council of the City of Lake Elmo commits to a fifty (50) percent match to the restoration grant and twenty-five (25) percent match to the conservation planning grant.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LAKE ELMO, THIS 16th DAY OF June, 2009.

Dean Johnston, Mayor

ATTEST:

Sharon Lumby, City Clerk

City Council
Date June 16, 2009:
REGULAR
Item:
Status Report – No Motion

ITEM: Speed Indicator Sign on Ideal Avenue (CR 13) near Hidden Bay Trail North
SUBMITTED BY: Craig W. Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: During the Public Inquiry section of the June 2 Council meeting, a resident representing the Tri-Lakes Association asked whether a speed indicator sign could be placed on Ideal Avenue where the speed limit drops from 50 to 40 miles per hour (just north of Hidden Bay Trail North). Council requested that staff report on this matter at the June 16 Council meeting. As this is a County Road, I spoke with Washington County staff about what could be done. Washington County plans to do what is described below in response to the City's concerns. No further action of the Council is necessary at this time.

BACKGROUND: Ideal Avenue is Washington County Road 13. Washington County prefers to own and operate what is placed in its rights-of-way. A "driver feedback sign", a speed indicator like the one on Highway 5 by Lake Elmo Avenue, costs approximately \$15,000 to install. County staff plans to use one of its battery-powered temporary feedback signs that would be placed on an existing pole over the next six months or so, and determine whether a permanent indicator sign is appropriate.

- For the next two weeks, speed data would be collected to understand speed patterns before the temporary driver feedback sign is installed. The County would also look at sight-line issues and the current placement of speed limit signs.
- For the next six months or so after that, the temporary sign would be in place and operating.
- After the temporary sign is removed, within a few weeks and collect speed data again to determine whether a driver feedback sign has been effective, or whether other measures will be more appropriate. This collection of data would also be part of a speed study to determine whether any change in the speed limit is appropriate.
- If a permanent driver feedback sign is the right alternative, the County would look at installation in 2010 or 2011, depending on available funding.

Washington County will perform on this plan unless it hears otherwise from the City.

City Council
Date: 6/16/09
Item: _____
NOT a Public Hearing

ITEM: SIGN CODE ORDINANCE – An ordinance repealing existing sign code regulations and adopting new regulations to govern signs in all zoning districts.

SUBMITTED BY: Ben Gozola, Senior Planner

REVIEWED BY: Kyle Klatt, Planning Director
Kelli Matzek, Assistant City Planner

ACTION REQUESTED:

The City Council is asked to take action on a proposed ordinance to repeal all existing sign code regulations in favor of a new set of revised sign controls. The new framework follows the most up-to-date guidance from the League of MN Cities to ensure the regulations are constitutional and do not conflict with the First Amendment. Additionally, we have strived through this process to stay true to existing sign standards and did not seek to make substantial policy shifts unless specifically requested by the public or the Planning Commission. Input which resulted in the final language was received at two public open houses, one public hearing, and multiple meetings of the Planning Commission and City Council. All changes requested by the Council at the 6-9-09 work session meeting have been incorporated into this final draft.

RECOMMENDATION:

Approval of the proposed ordinance to update the City of Lake Elmo sign regulations as presented.

ORDER OF BUSINESS:

- Introduction.....Ben Gozola, Senior Planner
- Report by staff.....Ben Gozola, Senior Planner
- Questions from the Council Mayor facilitates
- Call for a motion Mayor facilitates
- Discussion of the motion Mayor facilitates
- Action by the City Council City Council

ATTACHMENTS:

1. Ordinance 08-015 which repeals all existing sign code regulations and officially adopts new sign regulations.
2. Resolution 2009-025 which authorizes summary publication for the new sign ordinance.
3. A clean copy of the proposed ordinance language which is color coded to identify NEW language, EXISTING language, and MODIFIED language.
4. A summary of public feedback received to-date which helped to shape the draft ordinance currently under consideration.
5. A copy of the City's existing sign regulations with references identifying where current regulations are located within the new code.

CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE NO. 08-015

AN ORDINANCE REPEALING EXISTING SIGN CODE REGULATIONS
AND ADOPTING NEW REGULATIONS TO GOVERN SIGNS IN ALL
ZONING DISTRICTS IN THE CITY OF LAKE ELMO

SECTION 1. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to eliminate existing definitions as follows:

~~**SIGN, 3-DIMENSIONAL.** A type of projecting sign which depicts a physical object, such as a shoe or product sold, as opposed to utilizing lettering to convey the signing message.~~

~~**SIGN, ADVERTISING.** A sign that directs attention to a business or profession or to a commodity, service, or entertainment not sold or offered upon the premises, where the sign is located or to which it is attached.~~

~~**SIGN, AGRICULTURAL SALES.** A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.~~

~~**SIGN AREA.** The area which is framed either physically or visually by the construction, design, or layout of a sign itself but not including supporting structures.~~

~~**SIGN, AWNING.** Any sign that is painted on or attached to an awning.~~

~~**SIGN, BANNER.** A temporary sign intended to be hung either with or without a frame possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind excluding flags, emblems, and insignia or political, professional, religious, education, or corporate organizations providing that the flags, emblems, and insignia are displayed for non-commercial purposes.~~

~~**SIGN, BILLBOARD.** A non-accessory sign erected for the purpose of advertising a product, event, person, or subject not usually related to the premises on which the sign is located.~~

~~**SIGN, BUILDING SIGN PLAN.** An illustration that shows all signs on a building or group of related buildings.~~

~~— **SIGN, BUSINESS.** A sign that direct attention to a business or provision or to the commodity, service, or entertainment sold or offered upon the premises where the sign is located or to which it is attached.~~

~~— **SIGN, CITY IDENTIFICATION.** A sign that contains the name of the city, the city logo, and may also include identification of civic organizations located within the city.~~

~~— **SIGN, CONSTRUCTION.** A temporary sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier, or other involved parties.~~

~~— **SIGN, DIRECTIONAL.** A sign which contains no advertising of any kind and provides direction or instruction to guide persons or vehicles to facilities intended to serve the public.~~

~~— **SIGN, ELECTRICAL.** An illuminated sign upon which the artificial light is not kept constant in terms of intensity or color at all times when the sign is illuminated.~~

~~— **SIGN, FLASHING.** An illuminated sign which as a light source not constant in intensity or color at all times while the sign is in use.~~

~~— **SIGN, FREESTANDING.** Any stationary, self supporting sign standing on the ground not affixed to any other structure. Includes monument, ground, or pedestal signs.~~

~~— **SIGN, GOVERNMENTAL.** A sign which is erected by a governmental unit for identification or traffic.~~

~~— **SIGN, GRAPHIC.** Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect. A graphic design shall be considered a sign for the purpose of this code.~~

~~— **SIGN, GROUND.** A sign which is supported by 1 or more uprights, poles, or braces in or upon the ground.~~

~~— **SIGN, HISTORICAL.** Any sign that is of historical significance and that is a historical resource within the meaning of M.S. Ch. 116B, as it may be amended from time to time.~~

~~— **SIGN, IDENTIFICATION.** A sign which identifies the inhabitant of the dwelling, not to exceed 2 square feet in size.~~

~~— **SIGN, ILLUMINATED.** Any sign, which is lighted by an artificial light source, either directed upon it or illuminated from an interior source.~~

~~— **SIGN, MARQUEE.** A permanent roof like structure extending from part of the wall of a building but not supported by the ground, and constructed of durable material such as metal or glass.~~

~~— **SIGN, MOBILE.** Signs on wheels or otherwise designed to be transportable.~~

~~— **SIGN, MOTION.** Any sign which revolves, rotates, has any moving parts, or gives the illusion of motion.~~

~~— **SIGN, NAMEPLATE.** A sign which states the name and/or address of the business, industry, or occupant of the site and is attached to the building or site.~~

~~— **SIGN, NEIGHBORHOOD/SECTOR.** A freestanding sign which identifies, by name, the section of the city.~~

~~— **SIGN, OFF-PREMISE.** A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.~~

~~— **SIGN, ON-PREMISES.** A sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.~~

~~— **SIGN, PEDESTAL.** A ground sign usually erected 1 central shaft or post which is solidly affixed to the ground.~~

~~— **SIGN, PERMANENT.** A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.~~

~~— **SIGN, PORTABLE.** Any sign that is designed to be moved.~~

~~— **SIGN, PROJECTING.** Any sign projecting from a building wall.~~

~~— **SIGN, PUBLIC UTILITY.** Signs which identify public utilities.~~

~~— **SIGN, REAL ESTATE DEVELOPMENT.** A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots.~~

~~— **SIGN, REAL ESTATE.** A sign offering property (land and/or buildings) for sale, lease, or rent.~~

~~— **SIGN, REAL ESTATE DEVELOPMENT.** A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.~~

~~— **SIGN, REVOLVING.** A sign which has moving parts (structural); does not include flashing signs which blink on and off but may include signs which produce moving effect through use of illumination. Signs which revolve or turn on an axis point such as a pedestal, string, or post shall not be considered revolving if less than 2 complete revolutions per minute.~~

~~— **SIGN, ROOF.** A sign erected upon or above a roof or parapet of a building.~~

~~**SIGN, SEASONAL.** A sign placed on a lot or parcel of land for a period not to exceed 30 days out of any 12-month period. No sign permit fee is required.~~

~~**SIGN, SHOPPING CENTER, OR INDUSTRIAL PARK.** A business sign designating a group of shops or offices (more than 3).~~

~~**SIGN, STRUCTURE.** The supports, uprights, braces, and framework of the sign.~~

~~**SIGN, SUBDIVISION IDENTIFICATION DISPLAY.** A display, illustration, structure, or device which directs attention to or defines a residential subdivision.~~

~~**SIGN, TEMPORARY.** Any sign intended for display over a short period of time.~~

~~**SIGN, WALL.** A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall.~~

~~**SIGN, WARNING.** A sign which warns the public of a danger or hazard in the immediate vicinity and is obviously not intended for advertising purposes.~~

~~**SIGN, WAYSIDE STAND.** A sign located on a temporary structure or vehicle being used to sell agricultural, floricultural, or horticultural products.~~

~~**SIGN, WINDOW.** A sign affixed to a window glass or door glass. This does not include merchandise on display.~~

~~**SIGN.** Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.~~

SECTION 2. The City Council of the City of Lake Elmo hereby amends Title I: General Provisions; Chapter 11: General Code Provisions, by amending section 11.01 Definitions to add the following definitions in alphabetical order with the already existing definitions:

ANIMATION. The movement or the optical illusion of movement of any part a sign, sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street sign.

AWNING. A shelter supported entirely from the exterior wall of a building.

CANOPY. A detachable, rooflike cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

COMMERCIAL SPEECH. Speech or graphics advertising a business, profession, commodity, service or entertainment.

MULTI-TENANT BUILDING. A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

NON-COMMERCIAL SPEECH. A sign that contains a non-commercial message. Examples of non-commercial messages include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

UNIFIED RESIDENTIAL AREA. A residential grouping of lots that share a plat name over one or more additions.

SIGN, ABANDONED. Any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

SIGN, AWNING. A sign or graphic printed on or in some fashion attached directly to the awning material.

SIGN, BANNER. A temporary sign typically made of cloth, plastic or vinyl materials.

SIGN, BILLBOARD. A sign structure with a surface area over one hundred (100) square feet per surface that identifies or communicates a commercial or non-commercial message.

SIGN, BUSINESS VEHICLE IDENTIFICATION. A sign that is permanently mounted or otherwise permanently affixed to a vehicle, trailer, or semitrailer which identifies the business, products, or services with which the vehicle, trailer, or semitrailer is related. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. This definition shall also include non-permanently affixed signs that do not exceed 32 square feet erected in concert with a legally operating wayside stand. Bumper stickers and similarly sized adhesive decals shall not be considered business vehicle identification signs.

SIGN, CANOPY. A sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.

SIGN, CHANGEABLE COPY. A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

SIGN, DIRECTIONAL. An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. "Parking," "Shipping Receiving Area").

SIGN, ELECTRONIC VARIABLE MESSAGE. A dynamic signs whose message are changed at reasonable intervals by electronic process or remote control and whose movement is the periodic changing of information against a solid background, engineered for maximum legibility and readability, and having a constant light level and glare reduced screens. This definition does not include static time, temperature and price displays which only change when necessary for accuracy.

SIGN, FLAG. Any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

SIGN, FREESTANDING. A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. Monument, pole, and ground signs are all freestanding signs.

SIGN, GOVERNMENTAL. A sign erected and maintained by or on behalf of the United States, the state, the county, or the city for the purpose of regulating traffic or for other civic purposes; the size, location, and height of which is dictated by the applicable agency to fulfill the intended civic purpose.

SIGN, GROUND. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding six (6) feet.

SIGN, HISTORIC. An existing sign which has a special historical, architectural, cultural, or aesthetic value to the community.

SIGN, ILLUMINATED. Any sign which contains an element designed to emanate artificial light directly or indirectly.

SIGN ILLUMINATION, BACK LIT. A direct source of light which illuminates a sign by shining through a translucent surface of a sign, including plastic signs, lit from an internal light source.

SIGN ILLUMINATION, DIRECT. A sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

SIGN ILLUMINATION, EXTERNAL. Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

SIGN ILLUMINATION, INDIRECT. A sign whose light source is external to the sign and which casts its light onto the sign from some distance.

SIGN ILLUMINATION, REVERSE LIT. A direct source of light which illuminates a sign by shining off an opaque surface of a sign thereby casting the light off the wall behind the sign creating a halo effect.

SIGN, MONUMENT. Any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding six (6) feet.

SIGN, MURAL. Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect.

SIGN, OFF-PREMISE. A commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

SIGN, PERMANENT. A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

SIGN, POLE. Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open

SIGN, PORTABLE. A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

SIGN, PROJECTING. A sign attached to and projecting out from a building face or wall, generally at a right angle.

SIGN, ROOF. Any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SIGN. Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

SIGN, REAL ESTATE DEVELOPMENT. A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

SIGN, AGRICULTURAL SALES. A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

SIGN, SNIPE. An off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other object

SIGN, TEMPORARY. Any sign intended for display over a short period of time.

SIGN, WALL. A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall, and which displays only one (1) sign surface.

SIGN, WARNING. A sign located on private property posting such property for warning or prohibitions on trespassing, hunting, or other activity.

SIGN, WINDOW. Any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SECTION 3. The City Council of the City of Lake Elmo hereby amends Title XV: Land Usage; Chapter 151: Building Regulations, by repealing city code sections 151.115 through 151.126 in their entirety.

SECTION 4. The City Council of the City of Lake Elmo hereby amends Chapter 151 to add the following language:

151.115 PURPOSE

(A) Purpose and Findings.

(1) Purpose.

- (a) The Lake Elmo Sign Regulations are intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the business community's need for effective communication and identification. It is not the purpose or intent of these regulations to favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. It is the intent of these regulations to promote the health, safety, general welfare, and desirable rural community image through the regulation of signs with the following objectives in mind:
 - a. Signs shall demonstrate a high standard of aesthetic character and encourage the use of monument and individual letter-style signs;

- b. Permit large enough copy/graphic area to effectively convey the intended message but not so large as to unduly distract the reader and insist on lettering large enough to be easily read to encourage simple, uncluttered messages;
- c. Signs shall be proportioned to the size of, and architecturally compatible with, the structures and other signs on the premises;
- d. Permanent signs shall only advertise on-premise businesses, services, facilities, etc;
- e. Allow temporary business signs for grand openings and occasional sales events; allow temporary signs to advise the public of the seasonal sale of agricultural and horticultural products in keeping with the City's rural image; and to allow temporary directional signs permitting the public to more easily locate land conservation developments which enhance the City's rural image, without creating continuous visual clutter or traffic hazards along streets or at intersections; and
- f. Signs shall be properly maintained.
- g. Dynamic signs that distract drivers, cyclists and pedestrians shall not be permitted. Studies conducted by public and private agencies have identified that dynamic signs, including multi-vision signs, electronic signs and video displays can be highly distracting to drivers, pedestrians, and cyclists and that distraction is a significant underlying cause of traffic accidents. With respect to electronic signs, including video display signs, the City finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001, and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

(2) Findings.

The City of Lake Elmo hereby finds that regulation of the construction type, location, size, and maintenance of signs is necessary to accomplish the above referenced objectives, because:

- (a) The presence of permanent and temporary signage affects the rural image of the City of Lake Elmo;
- (b) Properly regulated signage can create an atmosphere of prosperity, stimulate commercial activity, and consequently, lead to increased employment and a healthier tax base;
- (c) The safety of motorists, cyclists, and pedestrians can be threatened by signage that interferes with necessary sight-distances and/or unduly diverts the attention of such persons.
- (d) Signs that are too bright, overly illuminated, flash, blink, scroll, twirl, change messages or color, or imitate movement, including video displays, can distract drivers, cyclists and pedestrians and impact traffic safety.

- (B) **Severability.** If any section, subsection, sentence, clause, or phrase in sections 151.115 through 151.119 are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

151.116 ADMINISTRATION AND ENFORCEMENT**(A) Permit Required.**

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

- (1) **Permanent Signs.** To apply for a permanent sign permit, a complete application shall be submitted to the City containing the following:
 - (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) The legal description of the property on which the sign(s) are to be erected and the street on which they are to front;
 - (d) A complete set of scaled plans showing the sign dimensions, area, height, ground elevations, applicable setbacks, and other details to fully and clearly represent the safe construction and placement of the proposed sign(s);
 - (e) Type of sign(s) being requested (i.e. wall sign, monument sign, etc.);

- (f) The permit fee; and
 - (g) The following if applicable:
 - i. Written authorization from the property owner upon who's land the sign is to be erected.
 - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
 - iii. A sign plan showing signs for all businesses if the sign is located on a building with more than one business.
 - iv. Photographs of the building face and the building faces of both adjacent buildings if the sign is being placed on an existing structure.
 - v. If replacing a historical sign, pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign.
- (2) **Temporary Signs.** To apply for a permit to allow a temporary sign, a complete application shall be submitted to the City containing the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) A generalized plan set showing the sign dimensions and height, and a notation of the materials to be used.
 - (d) A scaled site plan which clearly represents the placement of the proposed sign(s) on the applicable property;
 - (e) The proposed timeframe(s) over which the sign(s) will be posted;
 - (f) The permit fee; and
 - (g) The following if applicable:
 - i. Written authorization from the property owner upon who's land the sign is to be erected.
 - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
- (3) **Temporary Sign Renewal.** A temporary sign permit issued by the City may be renewed provided the sign design, size, location, or other previously approved details are not proposed to change. A sign renewal application shall include the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) The date of issuance of the permit being renewed;
 - (d) The proposed timeframe(s) over which the sign(s) will be posted;

- (e) Written authorization from the property owner upon who's land the sign is to be erected (if applicable); and
- (f) The permit renewal fee.

(4) **Review.** The planning department shall approve or deny complete sign permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights.

(B) Exemptions.

The following signs shall not require a permit, but shall still comply with all provisions of this ordinance or any other law or ordinance regulating signs.

- (1) The changing of the display surface on a previously approved sign.
- (2) Signs six (6) square feet or less in size, per surface if double sided.
- (3) Window Signage that does not cover more than 1/3 of the total area of the window in which the sign is displayed
- (4) Governmental Signage.

(C) Fees.

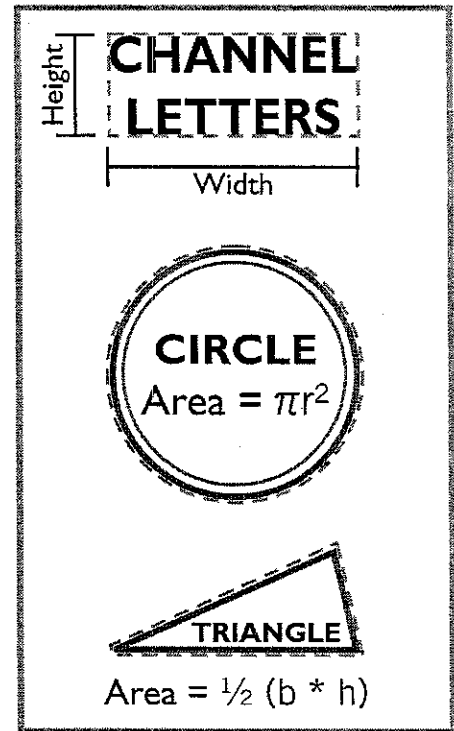
The fee for a sign permit is established yearly in the City's adopted fee schedule as indicated in section 11.02.

(D) Computations.

(1) Sign Area Measurement.

The area of a sign shall be computed by means of the smallest circle, rectangle or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building facade against which it is placed. When a sign has two back-to-back sign faces containing sign copy, the sign area for both faces are counted toward the total allowed sign area. Poles, bases, and other supports shall not be included in the sign area calculation.

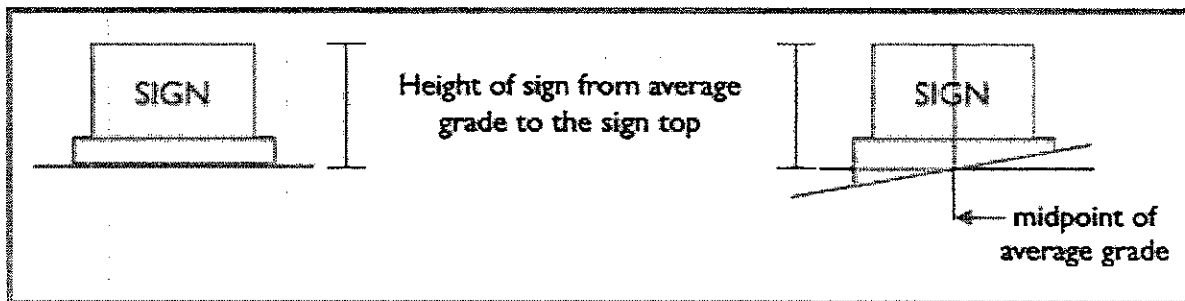
Figure 1: Sign Area Measurement



(2) Sign Height Measurement

The height of the sign shall be computed as the vertical distance measured from the average grade at the base of the sign to the top of the highest attached component of the sign.

Figure 2: Sign Height Measurement



(3) Total Sign Area Calculation

The total square footage of all sign surfaces shall be computed by adding together the sign areas of all signs on a property.

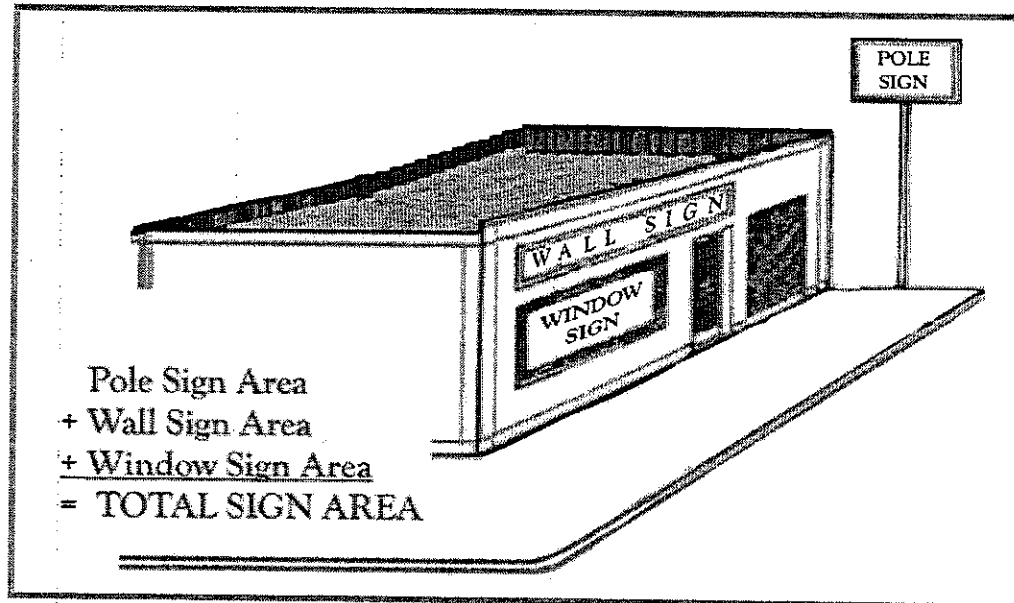


Figure 3: Total Sign Area Measurement Example

(E) Construction, Maintenance and Repairs.

- (1) The construction of all signs, unless otherwise stated herein, shall be in conformance with the provisions of the Uniform Sign Code published by the International Conference of Building Officials, 1997 Edition, as may be amended, which is hereby adopted by reference and made a part of this ordinance.
- (2) All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering.
- (3) Any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed if repair is not feasible. Sign maintenance shall be the responsibility of the underlying fee owner.

(F) Abatement.

If the City finds that any sign has been erected without the necessary approvals or any sign is being maintained in violation of any zoning provision, the City may give written notice of such violation to the installer of said sign; to the permit holder; and/or to the owner, lessee or manager of said property. If after receiving said notice such person fails to remove or alter said sign so as to comply with the provisions of the zoning ordinance, the sign shall be deemed to be a nuisance and may be abated by the City under Minnesota Statutes, Chapter 429. The cost of such abatement, including administrative expenses and reasonable attorneys' fees, may be levied as a special assessment against the property upon which the sign is located.

151.117 GENERAL STANDARDS**(A) Abandoned Signs**

Abandoned signs shall be removed.

(B) Building identification.

A building address, date of construction, commemorative tablet, etc; shall not count towards the overall permitted signage on a building or parcel. All forms of building identification, except for the building address, shall be cut into a masonry surface or be constructed of bronze or other incombustible material.

(C) Building Official Review. No sign shall be attached to or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the City Building Official.**(D) Changeable Copy Signs.** A changeable copy sign, such as a reader board, may be integrated into an allowable sign subject to the following restrictions:

- (1) The message conveyed by the sign face shall not blink, flash, scroll or be so animated as to be deemed a distraction to passing motorists;
- (2) Copy on the sign shall not change more than once per day on average (except for time, temperature, and price information which must change when necessary for accuracy);
- (3) Characters and backgrounds depicted on a changeable copy sign shall not use florescent coloring.
- (4) All changeable copy sign faces shall be limited to a maximum of 25 square feet in sign area, or the maximum size of the type of sign on which the face is placed, whichever is less.

(E) Flags. No more than 3 flags may be displayed on any given parcel. Individual flags shall not exceed fifty (50) square feet in size per surface.

(F) Illumination.

- (1) Illumination of signs shall comply with Chapter 150 code requirements governing Lighting, Glare Control, and Exterior Lighting Standards.
- (2) Indirect illumination for signs shall be so constructed and maintained that the source of light (i.e. the bulb; not the fixture) is not visible from the public right-of-way or residential property.
- (3) Back-lit awnings are prohibited.

(G) Ingress or egress. No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

(H) Landscaping. Sign owners shall be required to maintain the appearance of the ground around all signs detached from buildings and to landscape where possible.

(I) Master Sign Program.

A Master Sign Program shall be reviewed and approved for all multi-tenant commercial buildings and for all business park development to coordinate all signage for current and future tenants. The Master Sign Program shall be reviewed as a permanent sign permit, but shall only authorize the general locations and sizes of signs to be erected within a development or on a multi-tenant building. Individual permanent sign permits shall still be needed for the placement of permanent signs in accordance with an approved Master Sign Program. Master Sign Programs shall be subject to the following requirements:

- (1) A Master Sign Program shall include a to-scale site plan which identifies the overall sign types, sizes, and locations for all proposed signage on the site(s). The site plan shall not contain the names of any current or future tenants or occupants of the center or overall development.
- (2) The Master Sign Program shall include a calculation of allowable sign square footage for the site(s) based on applicable zoning requirements and lot characteristics.
- (3) The Master Sign Program shall include square footage calculations for individual signs proposed for the site(s), along with a total sign square footage area calculation.
- (4) All signs within a Master Sign Program shall be visually consistent in location, design, and scale.

- (5) The Master Sign Program may be reviewed concurrently with a separate permanent sign permit for the individual sign(s) identified in the Master Sign Program. The separate permanent sign permit shall include all information required by section 151.116(A)(1), and may only be approved if the Master Sign Program is approved.

(J) Multi-Tenant Buildings.

- (1) Multi-tenant buildings are herein considered a single commercial establishment, and shall be limited to one (1) freestanding sign amongst all planned/allowed signage subject to the following requirements:
 - (a) If the multi-tenant commercial building has a floor area of 40,000 square feet or less, the sign shall not exceed forty (40) square feet (per side) and shall not exceed eight (8) feet in height.
 - (b) If a multiple tenant commercial building has a floor area greater than 40,000 square feet but less than 100,000 square feet, the sign shall not exceed seventy-five (75) square feet (per side) and shall not exceed nine (9) feet in height.
 - (c) If a multiple tenant commercial building has a floor area of greater than 100,000 square feet, the sign shall not exceed 120 square feet (per side) and shall not exceed fifteen (15) feet in height.
- (2) Where a building, group of attached buildings on the same block, or center contains more than one business, the allowable sign area for any single business may be its portion of the gross square footage of the building or center applied as a percentage to the allowable sign area of the entire building or center, subject to size limitations for specific signs within an approved Master Sign Program.

(K) Neighborhood Identification Signs

Independent of the total allowable sign area for individual residences within a residential zoning district, two (2) ground signs for a unified residential area with six (6) or more lots may be allowed consistent with the following provisions:

- (1) New subdivisions:
 - (a) Neighborhood identification sign(s) shall be approved as a component of a preliminary and final plat to be included as part of a new subdivision.
 - (b) Each sign shall be single sided, not exceed a total of twenty-four (24) square feet in sign area, and not exceed a total of forty-eight (48) square feet inclusive of poles, bases, and other supports.

- (c) Signs are to be located on outlots of sufficient size and area to accommodate them or within a dedicated permanent sign easement. A homeowners or neighborhood association is required for the area identified by the signs which shall own and be responsible for the upkeep, perpetual maintenance, taxes, insurance, utilities, and other costs associated with the sign(s) and their property. The association rules or by-laws shall specify how the aforementioned sign responsibilities will be delegated and paid for. City staff shall review the proposed bylaws to ensure that they specify the aforementioned responsibilities.
 - (d) Outlots or easements for signs are to be considered and planned for at the time of preliminary plat application and shall be included in the final plat. A developers agreement shall specify the designated use of the outlot or easements, its ownership, and the respective home owners association responsibilities regarding the proposed improvements.
 - (e) Only indirect lighting of neighborhood identification may be approved. The electric costs and maintenance of such lighting shall be the responsibility of the homeowners association or neighborhood association of the area identified by the sign(s) and shall be clearly noted in the association's rules or bylaws.
 - (f) The area around the sign is to be landscaped and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to review by the Planning Commission and City Council at the time of Preliminary Plat.
 - (g) The design and construction of neighborhood area identification signs shall be done with the highest quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. Neighborhood area identification signs are to be aesthetically pleasing when designed and constructed. The signs shall be compatible with nearby or potential homes and other structures in the area. Detailed construction plans and a materials list shall be included with the preliminary plat application.
 - (h) The City reserves the right to require the removal—at the owner's expense—of any sign when the requirements of this Section and this Ordinance are not completely followed and adhered to or if the sign is not properly maintained or falls into a state of disrepair. The City shall not have any obligation or liability to replace any sign or nearby landscaping when removed by the City.
- (2) Existing Unified Residential Areas: A neighborhood identification sign may be allowed by Conditional Use Permit for existing unified residential areas. If no outlots or easements were originally designated for signs, the plat may be amended to provide for such a proposal and shall meet the same criteria and requirements as set forth for new subdivisions.

(L) **Non-commercial speech signs.** Notwithstanding any other provisions of this sign ordinance, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

(M) **Private on-premises directional signs.** Signs located on, above or beside entrances or exits to buildings or driveways which direct pedestrians or vehicles (e.g. "employees entrance," "exit only," "rest rooms," etc) shall not count towards the overall permitted signage on a site provided such signs are no more than four (4) square feet in area.

(N) **Prohibited Signs**

The following signs are prohibited in all zoning districts.

(1) **Signs obstructing vision.** Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device. This includes indoor signs that are visible from public streets.

(2) **Unofficial traffic signs or signals.** Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs which do not interfere with traffic flows on public roads.

(3) **Off premises advertising signs.** Off premises advertising signs except as specifically allowed.

(4) **Signs with moving parts, moving lighting or animation.** No sign shall display any moving parts, be illuminated with any flashing or intermittent lights, use changing light intensity, utilize spotlights giving off an intermittent or rotating beam existing as a collection or concentration of rays of light (including but not limited to revolving beacons, beamed lights, or similar devices), or be animated. The only exceptions to this provision include allowable changeable copy signs; barbershop poles; and static time, temperature, and price information changing only when necessary (which shall be allowed provided the message depicted is reasonably accurate).

(5) **Roof signs.**

(6) **Banners, pennants, ribbons, streamers.** No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners, or similar devices; except when used for non-commercial purposes, as a governmental sign, or as part of an approved master sign program or special event temporary sign permit.

- (7) **Portable signs.** Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, hot air or gas filled balloons or semitruck umbrellas used for advertising. This prohibition shall not include business vehicle identification signs when the vehicle is being used for the normal day-to-day operations of a permitted business.
 - (8) **Signs supported by a guy wire.**
 - (9) **Billboards.**
 - (10) **Electronic Variable Message Signs.**
 - (11) **Signs on natural surfaces.** No sign shall be painted, attached or in any other manner affixed to trees, rocks, or similar naturally occurring surfaces within the City of Lake Elmo. This shall not prohibit the use of natural building materials (e.g. boulders) in the construction of a legally permitted sign.
 - (12) **Snipe signs.**
- (O) **Public lands and rights-of-way.** No signs other than governmental signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements or rights-of-ways without Council approval.
- (P) **Regulations for Specific Sign Types**
- (1) **Wall signs**
 - (a) A wall sign shall be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed.
 - (b) A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
 - (c) Wall signs authorized by a Master Sign Program shall not exceed 25 square feet per business, and all signs shall be visually consistent in location, design, and scale.
 - (d) Wall signs may be placed on not more than three walls of rectangular shaped structures or not more than 75 percent of the major walls on non-rectangular shaped buildings.
 - (2) **Mural Sign.**
 - (a) Mural signs shall not be limited in size, but any commercial or non-commercial language incorporated into the mural sign shall be limited in size by the restrictions established for the applicable zoning district.
 - (b) In addition to the standard conditional use criteria in section 154.018, mural signs shall also be subject to the following:

- i. The location for the proposed mural sign shall be viewable by the public and be accessible;
- ii. The scale and suitability of the mural sign shall be appropriate in the context of the surrounding properties;
- iii. The artist(s) commissioned to complete the mural must provide documentation of demonstrated craftsmanship on similar projects;
- iv. The applicant shall provide sureties to the city guaranteeing completion of the project within the proposed timeframe;
- v. The applicant shall demonstrate that the necessary funds are available for the proposed project;
- vi. The applicant must be able to show the final mural will last a minimum of five years and be reasonably resistant to vandalism and weather.

(3) Projecting, Awning, and Canopy Signs.

- (a) Projecting signs and awning signs shall be located on street level.
- (b) If lighted, projecting, awning, and canopy signs shall use indirect illumination.
- (c) Awning or canopy signs shall not project higher than the top of the awning or canopy or below the awning or canopy.
- (d) Clearance. The bottom of a projecting sign or awning shall be a minimum of eight feet (8') above the ground surface when projecting over a private or public walkway.

(4) Freestanding Signs. Freestanding signs shall not be erected or maintained any closer than three feet to any building.

(Q) Separation Angle. So as not to create a double exposure or increase sign size limitations, there shall be a maximum separation angle of forty-five degrees for signs which are back to back. In all residential districts, double-faced signs shall be parallel.

(R) Signs needing electricity. Signs needing electricity shall be subject to all applicable electrical codes as may be amended. Overhead wiring for such signs is prohibited.

(S) Special Sign Districts. All general sign regulations shall apply to signs within each of the special sign districts except as specifically noted herein.

(1) Old Village.

- (a) Boundary. The boundary of the Old Village Sign District is depicted on the city's official sign district map. Modifications to the district boundary may be completed using the zoning map amendment process.

- (b) Illumination. Indirect illumination or reverse lit letters shall be the permitted techniques for lighting all signs within the Old Village Sign District. Other forms of direct illumination are prohibited.
 - (c) Wall Signs.
 - i. Wall signs in the Old Village Sign District shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.
 - ii. Wall signs in the Old Village Sign District authorized by a Master Sign Program shall not exceed 20 square feet per business, and all signs shall be visually consistent in location, design, and scale.
 - (d) Freestanding Signs.
 - i. The area of a freestanding sign in the Old Village Sign District shall not exceed thirty (30) square feet.
 - ii. Freestanding signs in the Old Village Sign District shall not project higher than six (6) feet, as measured from the average grade at the base of the sign or grade of the nearest roadway, whichever is lower.
- (2) Agricultural Sales District.**
- (a) Boundary. The Agricultural Sales District shall include all properties zoned Agricultural or Rural Residential.
 - (b) On-premises sign(s). Independent of the total allowable sign area for an individual property within the agricultural sales district, one or more additional on-premises signs may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
 - i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the business are allowed 1 on-premises sign not to exceed 32 gross square feet of advertising surface;
 - ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1 or 2 on-premises signs not to exceed 48 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);
 - iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1, 2 or 3 on-premises signs not to exceed 64 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);

- iv. Sign(s) shall be in the form of an allowable sign type in the underlying zoning district.
 - v. No dimension of any sign shall exceed 15 feet exclusive of supporting structures.
 - vi. Any illuminated sign shall be illuminated only during those hours when business is open to the public for conducting business.
- (c) Temporary off-premises sign(s). Independent of the total allowable sign area for an individual property anywhere within the city, a temporary off-premises sign may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
- i. Maximum Number. Every agricultural sales business shall have no more than two off-premises signs at any given time to direct the public to the location of the business.
 - ii. Timeframe of use. Temporary off-premises signs may be erected for 45-day time periods no more than four times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the four allowable time periods in any given calendar year.
 - iii. Size and Height. An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height;
 - iv. Setbacks. Off-premises signs shall be a minimum of 25' from all side property lines, and a minimum of 50' from other off-premises advertising signs;
 - v. Permission Required. Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.
- (3) **I-94 District.**
- (a) **Boundary.** The I-94 district shall include parcels within the BP, GB, HB, CB, and LB zoning districts which meet one of the following criteria:
 - i. The property is a buildable lot located to the south of Hudson Boulevard and to the north of Interstate 94.
 - ii. The property's southern boarder abuts Hudson Boulevard, and is not directly north—either wholly or partially—of a developable parcel lying between Hudson Boulevard and Interstate 94.
 - (b) **Permits.** Signs in the I-94 District may be erected in conformance with sign regulations governing the underlying zoning district without additional approvals. Signs proposed to conform to the special standards established for the I-94 District shall only be authorized through approval of an interim use permit.

- (c) **Illumination.** All forms of illumination which conform to the general illumination standards for all signs shall be the permitted within the I-94 Sign District.
 - (d) **Maximum total square footage of ALL sign surfaces.** The maximum total square footage of all sign surfaces in the I-94 district shall be dictated by the maximum sign sizes for allowable sign types.
 - (e) **Wall Signs.** The least restrictive of the following may be used to determine the allowable area for wall signs in the I-94 District:
 - i. The total area of all wall signs on any wall shall not exceed ten percent of the area of the wall with a maximum allowable area of 80 square feet; or
 - ii. The total area of all wall signs on any wall shall not exceed five percent of the area of the wall with a maximum allowable area of 300 square feet.
 - (f) **Freestanding Signs.** In lieu of a freestanding sign meeting underlying zoning requirements, a building site within the I-94 District may have one freestanding sign within 50 feet of the property line nearest the Interstate provided the sign does not exceed 150 square feet per side (300 square feet total) or 30 feet in height. The base of such a sign shall be at least 75 percent of the width of the sign and be constructed of materials that match those used on the building for which the sign is installed.
 - (g) **Window Signs.** Window signs in the I-94 district shall not cover more than 1/3 of the window area.
 - (h) **Awning, Canopy, and Projecting Signs.** One awning, canopy or projecting sign, in conformance with the underlying zoning requirements for height, location, and maximum size may also be erected for each business on a building site in the I-94 District.
- (T) **Substitution Clause.** The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.
- (U) **Temporary Signs.**
- (1) **Special Events.** Temporary signs may be allowed upon issuance of a permit for on-site advertising of special events such as openings and closings, change in management, sales events, or other special occasions. No more than four temporary sign permits may be issued in any calendar year for a given

destination, and each temporary sign permit shall run for 15 days. Temporary signs for special events shall be subject to the following regulations:

- (a) Only one on-premises temporary sign shall be allowed per business or event.
- (b) Temporary signs shall be in the form of an allowable sign type in the underlying zoning district.
- (c) Temporary signs shall not exceed 32 square feet in area and shall not be taller than 10 feet in height.

(2) **Residential development advertising signs.** Independent of the total allowable sign area for individual properties or residences within a residential zoning district, one or more additional ground signs may be erected within a newly established unified residential area development subject to the following:

(a) Minimum Development Size

- i. Projects of less than 25 acres which create ten or more dwelling units are allowed one (1) on-premises ground sign not to exceed 100 square feet of advertising surface;
- ii. Projects of 26 through 50 acres which create ten or more dwelling units are allowed 1 or 2 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site; and
- iii. Projects over 50 acres which create ten or more dwelling units are allowed 1, 2, or 3 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site.

(b) Restrictions.

- i. No dimension shall exceed 25 feet exclusive of supporting structures.
- ii. The sign shall not remain once 90% of the lots in the development have been issued building permits.
- iii. The permit for the sign must be renewed annually by the Council.
- iv. Only indirect illumination is permitted and shall only occur during those hours when an on-site sales office or model home is open for conducting business.

(3) **Temporary Off-Premises Signs.** Temporary off-premises signs may be erected if all of the following criteria are met:

- (a) The destination to which the off-premises sign is advertising is a property for sale;
- (b) An agent must be present at the destination property for sale, and the property must be open for viewing.

- (c) The sign must be located on private property, and permission must have been obtained from the private property owner to erect the temporary sign;
- (d) The temporary off-premises sign shall not exceed six (6) square feet in size;
- (e) The temporary off-premises sign shall not cause the total square feet of signage on a property to exceed the allowed maximum in the underlying zoning district.

(V) **Warning Signs.** Warning signs which do not exceed the minimum statutory requirements for size and number may be posted, and shall not count towards the overall permitted signage on a given property. Increases in either size or number over minimum statutory requirements shall count against the overall permitted signage on a given property unless authorized by conditional use permit which finds sufficient evidence that larger or more frequent signage is necessary to provide the intended warning.

151.118 Specific Regulations by Zoning District

(A) **Sign Setbacks.** Signs shall conform to the set back regulations listed in table 1 for the zoning district in which the signs are located except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Table 1: SETBACKS BY ZONING DISTRICT [1]

	Base Zoning Districts													
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP [2]	PF
Front Lot Line	5	5	5	5	5	5	5	5	1	1	1	1	1	5
Side Lot Line	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Rear Lot Line	5	5	5	5	5	5	5	5	10	10	10	10	10	5
Vehicular Access	5	5	5	5	5	5	5	5	15	15	15	15	15	5

[1]: Awning/Canopy signs, mural signs, projecting signs, wall signs, or window signs proposed to be located on a building legally non-conforming to setback requirements shall be permitted without a variance provided all other zoning code provisions are met.

[2]: Signs within Business Parks shall also adhere to the requirements of a master sign program approved by the City Council in conjunction with the business park establishment.

(B) **Allowable Sign Area.** The maximum allowable sign area for an individual sign and for total site signage is listed in table 2 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Table 2: ALLOWABLE SIGN AREA BY ZONING DISTRICT

District(s)	Maximum sign area in square feet (per surface) by sign type [1]								Maximum total square footage of ALL sign surfaces
	Awning/Canopy Sign	Ground Sign [2]	Monument Sign [2]	Mural Sign	Pole Sign [2]	Projecting Sign	Wall Sign	Window Sign	
A, RR, R1, R2, RE, OP [3]		6		C	6		6	6	12 square feet
R3 & R4 [3]		12		C	12		12	12	24 square feet
GB, HB, CB, LB, BP, & PF	[4]	30	45	C	30	6	[5]	No max	1.0 square foot per lineal foot of building parallel or substantially parallel to public road frontage (excluding alleys). [6]

[1]: Sign types with shaded cells are prohibited in the applicable zoning district(s). Sign types with a maximum sign area of "C" shall require a conditional use permit.

[2]: Ground, monument, or pole signs, where permitted, shall be limited to one (1) per commercial establishment.

[3]: All sign types in residential districts shall have no more than two (2) surfaces.

[4]: The gross surface of an awning or canopy sign shall not exceed 30% of the gross surface area of the smallest face of the awning or canopy of which the sign is to be affixed.

[5]: On any wall parallel or substantially parallel to a public roadway, the gross surface area of a wall sign shall not exceed 0.75 square feet for each lineal foot of building facing the applicable roadway. For walls not facing a public roadway, the maximum wall sign size shall be twelve (12) square feet.

[6]: Open sales lots or other approved uses on lots without a building shall be limited to thirty (30) square feet of total sign surfaces.

- (C) **Freestanding Sign Height.** The maximum allowable sign height for a freestanding sign is listed in table 3 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Table 3: ALLOWABLE FREESTANDING SIGN HEIGHT IN FEET BY ZONING DISTRICT

	Base Zoning Districts													
	Residential Districts								Business Districts					
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP	PF
Allowable Height in feet	5	5	5	5	8	8	5	5	20	20	20	20	20	20

151.119 Sign Variances

Variances from sign provisions shall be administered in accordance with section 154.017, and shall be subject to the following additional requirements:

- (a) The sign(s) shall be compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood;
- (b) The sign(s) shall have good scale and proportion in the visual relationship to buildings and adjacent areas;
- (c) The material, size, color, lettering, location, and arrangement of the sign(s) is an integral part of the site and building design; and/or

The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City Planner.

SECTION 5. The City Council of the City of Lake Elmo hereby amends Chapter 151 of City Code by adopting the map depicted in Exhibit "A" to serve as the City's official Sign District Map.

SECTION 6. Effective Date

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

SECTION 7. Adoption Date

This Ordinance No. 08-015 was adopted on this 16th day of June 2009, by a vote of ___ Ayes and ___ Nays.

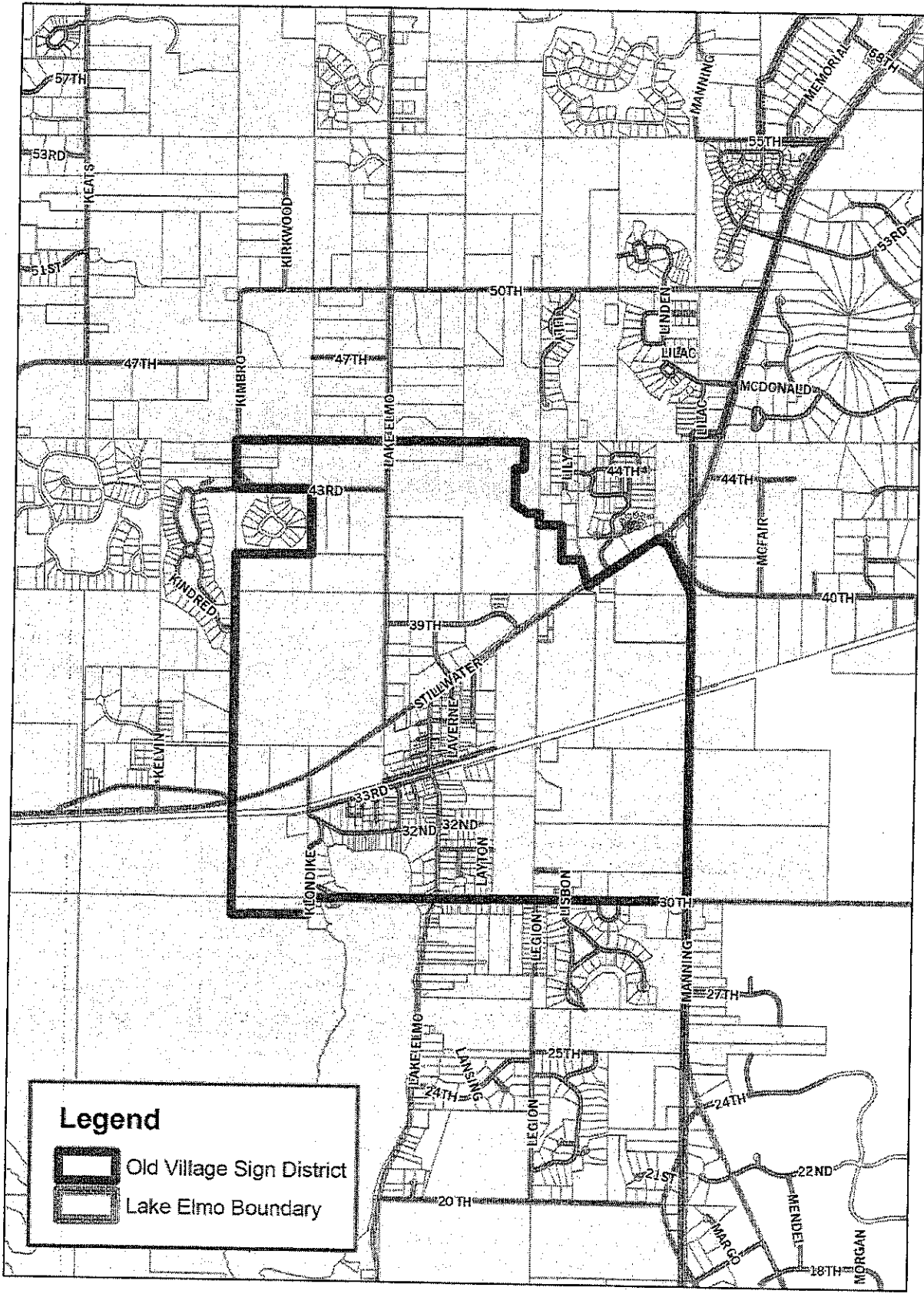
Mayor Dean Johnston

ATTEST:



Craig Dawson
City Administrator

This Ordinance No 08-015 was published on the ___ day of _____, 2009.

Exhibit A: Official Sign District Map



Legend

-  Old Village Sign District
-  Lake Elmo Boundary

CITY OF LAKE ELMO

RESOLUTION NO. 2009-025

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-015 BY TITLE AND SUMMARY**

WHEREAS, the city council of the city of Lake Elmo has adopted Ordinance No. 08-015, an ordinance to regulate signage within the City of Lake Elmo; and .

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the city council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the city council of the city of Lake Elmo, that the city administrator shall cause the following summary of Ordinance No. 08-015 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the city of Lake Elmo has adopted Ordinance No. 08-015. The ordinance repeals existing sign code regulations and adopts a new set of standards to regulate all aspects of signs within every zoning district. The new regulations outline the purpose behind all sign codes, the procedures for obtaining sign permits, how sign codes will be enforced, and the minimum standards that signs must meet in order to be approved. Regulations focus on time (when signs may be erected), place (the physical location of allowed signs), and manner (sign types, height, size, number, lighting, etc). The full text of Ordinance No.08-015 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean Johnston

BE IT FURTHER RESOLVED by the city council of the city of Lake Elmo that the city administrator keep a copy of the ordinance in his office at city hall for public inspection and that he post a full copy of the ordinance in a public place within the city.

Dated: _____, 20__.

Mayor Dean Johnston

ATTEST:

Craig Dawson
City Administrator

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

Color Legend:

GREEN language = existing language that has NOT been edited

ORANGE language = existing language that has been edited

BLACK language = new language

SIGNS

§ 151.115 PURPOSE

(A) **Purpose and Findings**

Comment [b1]: Existing Section 151.115 as amended in summer of 2008

(1) **Purpose.**

- (a) The Lake Elmo Sign Regulations are intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the business community's need for effective communication and identification. It is not the purpose or intent of these regulations to favor commercial messages or speech over non-commercial messages or speech or to discriminate between types of non-commercial speech or the viewpoints represented therein. It is the intent of these regulations to promote the health, safety, general welfare, and desirable rural community image through the regulation of signs with the following objectives in mind:
- a. Signs shall demonstrate a high standard of aesthetic character and encourage the use of monument and individual letter-style signs;
 - b. Permit large enough copy/graphic area to effectively convey the intended message but not so large as to unduly distract the reader and insist on lettering large enough to be easily read to encourage simple, uncluttered messages;
 - c. Signs shall be proportioned to the size of, and architecturally compatible with, the structures and other signs on the premises;
 - d. Permanent signs shall only advertise on-premise businesses, services, facilities, etc;

- e. Allow temporary business signs for grand openings and occasional sales events; allow temporary signs to advise the public of the seasonal sale of agricultural and horticultural products in keeping with the City's rural image; and to allow temporary directional signs permitting the public to more easily locate land conservation developments which enhance the City's rural image, without creating continuous visual clutter or traffic hazards along streets or at intersections; and
- f. Signs shall be properly maintained.
- g. Dynamic signs that distract drivers, cyclists and pedestrians shall not be permitted. Studies conducted by public and private agencies have identified that dynamic signs, including multi-vision signs, electronic signs and video displays can be highly distracting to drivers, pedestrians, and cyclists and that distraction is a significant underlying cause of traffic accidents. With respect to electronic signs, including video display signs, the City finds that they are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, constitute a serious traffic safety threat. Studies conducted by the Federal Highway Administration (FHWA), Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction, Sept. 11, 2001, and The Role of Driver Inattention in Crashes: New Statistics from 1995; the University of North Carolina Highway Safety Research Center, Distractions in Everyday Driving, May 2003 and The Role of Driver Distraction in Traffic Crashes, May 2001; the Wisconsin Department of Transportation, Synthesis Report of Electronic Billboards and Highway Safety, June 10, 2003; the Municipal Research and Services Center of Washington, Sign Control Provisions, Jan. 2006; the Veridan Group, Video Signs in Seattle, Gerald Wachtel, May 2001, reveal that electronic signs are highly distracting to drivers and that driver distraction continues to be a significant underlying cause of traffic accidents.

(2) Findings.

The City of Lake Elmo hereby finds that regulation of the construction type, location, size, and maintenance of signs is necessary to accomplish the above referenced objectives, because:

- (a) The presence of permanent and temporary signage affects the rural image of the City of Lake Elmo;

- (b) Properly regulated signage can create an atmosphere of prosperity, stimulate commercial activity, and consequently, lead to increased employment and a healthier tax base;
- (c) The safety of motorists, cyclists, and pedestrians can be threatened by signage that interferes with necessary sight-distances and/or unduly diverts the attention of such persons.
- (d) Signs that are too bright, overly illuminated, flash, blink, scroll, twirl, change messages or color, or imitate movement, including video displays, can distract drivers, cyclists and pedestrians and impact traffic safety.

(B) **Severability.** If any section, subsection, sentence, clause, or phrase in sections 151.115 through 151.119 are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Comment [b2]: Existing Section 151.126 as added in summer of 2008

(C) **Definitions.** The definitions set forth in this Section are in addition to the definitions set forth in Section 11.01. In the event of a conflict between the Sections, the definitions in this section shall apply.

Abandoned sign - any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure shall be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance shall also be subject to the definition of abandoned sign.

animation -- The movement or the optical illusion of movement of any part a sign, sign structure, design, or pictorial segment, including the movement of any illumination or the flashing or varying of light intensity; the automatic changing of all or any part of the facing of a street sign.

Awning means a shelter supported entirely from the exterior wall of a building.

Awning sign - a sign or graphic printed on or in some fashion attached directly to the awning material.

Back lit (sign illumination) means a direct source of light which illuminates a sign by shining through a translucent surface of a sign, including plastic signs, lit from an internal light source.

Banner - A temporary sign typically made of cloth, plastic or vinyl materials.

Billboard - A sign structure with a surface area over one hundred (100) square feet per surface that identifies or communicates a commercial or non-commercial message.

Business Vehicle Identification Sign – A sign that is permanently mounted or otherwise permanently affixed to a vehicle, trailer, or semitrailer which identifies the business, products, or services with which the vehicle, trailer, or semitrailer is related. For purposes of this definition, magnetic and adhesive signs shall be considered as being permanently affixed. This definition shall also include non-permanently affixed signs that do not exceed 32 square feet erected in concert with a legally operating wayside stand. Bumper stickers and similarly sized adhesive decals shall not be considered business vehicle identification signs.

Canopy means a detachable, rooflike cover, supported from the ground or deck, floor or walls of a structure, for protection from the sun or weather.

Canopy sign means a sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.

Changeable copy sign - A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

Commercial Speech – Speech or graphics advertising a business, profession, commodity, service or entertainment.

Direct illumination (sign illumination) means a sign whose light source is either located in the interior of the sign so that the rays go through the face of the sign, or which is attached to the face of the sign and is perceived as a design element of the sign.

Directional sign – An on-site sign for the purpose of making specific locations known and to assist in finding these locations (e.g. “Parking,” “Shipping Receiving Area”).

Electronic Variable Message Sign – A dynamic sign whose message are changed at reasonable intervals by electronic process or remote control and whose movement is the periodic changing of information against a solid background, engineered for maximum legibility and readability, and having a constant light level and glare reduced screens. This definition does not include static time, temperature and price displays which only change when necessary for accuracy.

External Illumination Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

Flag” - any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Freestanding sign means a sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign. Monument, pole, and ground signs are all freestanding signs.

Governmental Sign – a sign erected and maintained by or on behalf of the United States, the state, the county, or the city for the purpose of regulating traffic or for other civic purposes; the size, location, and height of which is dictated by the applicable agency to fulfill the intended civic purpose.

Ground sign” - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a total height not exceeding six (6) feet.

Historic sign means an existing sign which has a special historical, architectural, cultural, or aesthetic value to the community.

Illuminated sign” - any sign which contains an element designed to emanate artificial light directly or indirectly.

Indirect illumination (sign illumination) means a sign whose light source is external to the sign and which casts its light onto the sign from some distance.

Monument sign” - any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding six (6) feet.

multi-tenant building – A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

Mural Sign – Any mural or pictorial scene painted on a wall or building or painted on a sign board affixed to a wall, and in which mural or scene has as its purpose an artistic effect.

Non-commercial Speech – A sign that contains a non-commercial message. Examples of non-commercial messages include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

“Off-premise sign” – a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

~~“On-premise sign” – a sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.~~

“Permanent Sign” – A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

Pole sign - any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open

portable sign – A sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building.

Projecting sign – A sign attached to and projecting out from a building face or wall, generally at a right angle.

Reverse lit (sign illumination) means a direct source of light which illuminates a sign by shining off an opaque surface of a sign thereby casting the light off the wall behind the sign creating a halo effect.

Roof sign - any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

“Sign” – Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

“Sign, Real Estate Development” – A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

“Sign, Agricultural Sales” – A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

~~“Sign, Wayside Stand” – A sign located on a temporary structure or vehicle being used to sell agricultural, floricultural, or horticultural products.~~

Snipe sign means an off-premises sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other object

“Temporary Sign” – Any sign intended for display over a short period of time.

Unified Residential Area – A residential grouping of lots that share a plat name over one or more additions.

Wall sign – A sign attached to or erected against the wall of a building with the exposed face of the sign on a plane parallel to the plane of the wall, and which displays only one (1) sign surface.

Warning sign – A sign located on private property posting such property for warning or prohibitions on trespassing, hunting, or other activity.

Window sign – any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

151.116 Administration and Enforcement

(A) **Permit Required.**

Comment [b3]: Existing Section 151.16 (A) as added in summer of 2008

No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

(1) **Permanent Signs.** To apply for a permanent sign permit, a complete application shall be submitted to the City containing the following:

Comment [b4]: Existing Section 151.16 (B) as added in summer of 2008

- (a) Names and addresses of the applicant, owners of the sign, and lot;
- (b) The address at which the sign(s) are to be erected;
- (c) The legal description of the property on which the sign(s) are to be erected and the street on which they are to front;
- (d) A complete set of scaled plans showing the sign dimensions, area, height, ground elevations, applicable setbacks, and other details to fully and clearly represent the safe construction and placement of the proposed sign(s);
- (e) Type of sign(s) being requested (i.e. wall sign, monument sign, etc.);
- (f) The permit fee; and
- (g) The following if applicable:
 - i. Written authorization from the property owner upon who's land the sign is to be erected.
 - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
 - iii. A sign plan showing signs for all businesses if the sign is located on a building with more than one business.
 - iv. Photographs of the building face and the building faces of both adjacent buildings if the sign is being placed on an existing structure.
 - v. If replacing a historical sign, pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign.

(2) **Temporary Signs.** To apply for a permit to allow a temporary sign, a complete application shall be submitted to the City containing the following:

Comment [b5]: Existing Section 151.16 (C) as added in summer of 2008

- (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) A generalized plan set showing the sign dimensions and height, and a notation of the materials to be used.
 - (d) A scaled site plan which clearly represents the placement of the proposed sign(s) on the applicable property;
 - (e) The proposed timeframe(s) over which the sign(s) will be posted;
 - (f) The permit fee; and
 - (g) The following if applicable:
 - i. Written authorization from the property owner upon who's land the sign is to be erected.
 - ii. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.
- (3) **Temporary Sign Renewal.** A temporary sign permit issued by the City may be renewed provided the sign design, size, location, or other previously approved details are not proposed to change. A sign renewal application shall include the following:
- (a) Names and addresses of the applicant, owners of the sign, and lot;
 - (b) The address at which the sign(s) are to be erected;
 - (c) The date of issuance of the permit being renewed;
 - (d) The proposed timeframe(s) over which the sign(s) will be posted;
 - (e) Written authorization from the property owner upon who's land the sign is to be erected (if applicable); and
 - (f) The permit renewal fee.
- (4) **Review.** The planning department shall approve or deny complete sign permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights.

Comment [b6]: Existing Section 151.16 (D) as added in summer of 2008.

Comment [b7]: Existing Section 151.16 (E) as added in summer of 2008.

(B) Exemptions.

The following signs shall not require a permit, but shall still comply with all provisions of this ordinance or any other law or ordinance regulating signs.

- (1) The changing of the display surface on a previously approved sign.
- (2) Signs six (6) square feet or less in size, per surface if double sided.
- (3) Window Signage that does not cover more than 1/3 of the total area of the window in which the sign is displayed
- (4) Governmental Signage.

(C) Fees.

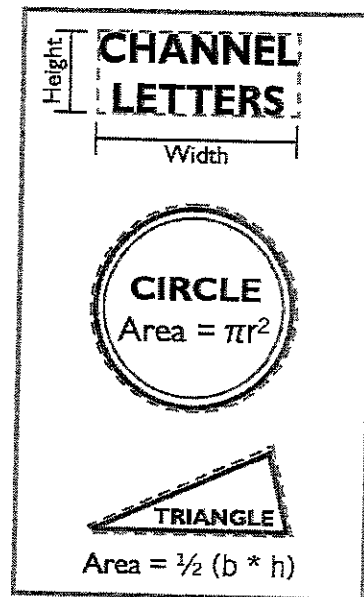
The fee for a sign permit is established yearly in the City's adopted fee schedule as indicated in section 11.02.

(D) Computations.

(1) Sign Area Measurement

The area of a sign shall be computed by means of the smallest circle, rectangle or triangle that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the building facade against which it is placed. When a sign has two back-to-back sign faces containing sign copy, the sign area for both faces are counted toward the total allowed sign area. Poles, bases, and other supports shall not be included in the sign area calculation.

Figure 1: Sign Area Measurement



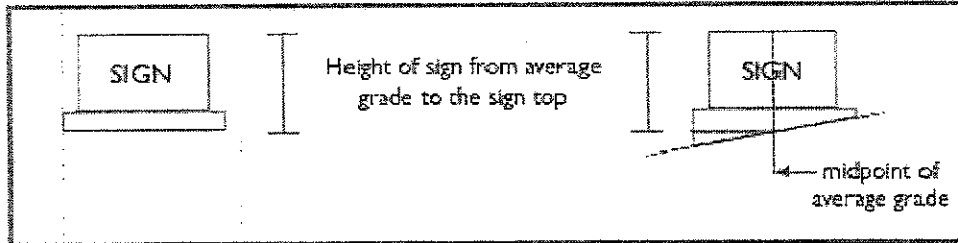
Comment [b8]: Existing Section 15L118 (B)(19)(a) as added in summer of 2008

Comment [b9]: Existing Section 151.118 (B)(13)(b) as added in summer of 2008.

(2) **Sign Height Measurement**

The height of the sign shall be computed as the vertical distance measured from the average grade at the base of the sign to the top of the highest attached component of the sign.

Figure 2: Sign Height Measurement



(3) **Total Sign Area Calculation**

The total square footage of all sign surfaces shall be computed by adding together the sign areas of all signs on a property.

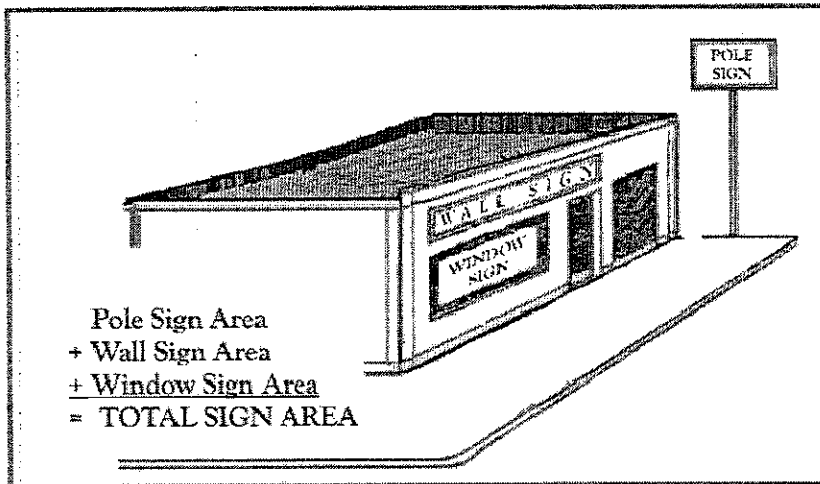


Figure 3: Total Sign Area Measurement Example

(E) Construction, Maintenance and Repairs.

- (1) The construction of all signs, unless otherwise stated herein, shall be in conformance with the provisions of the Uniform Sign Code published by the International Conference of Building Officials, 1997 Edition, as may be amended, which is hereby adopted by reference and made a part of this ordinance.
- (2) All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering.
- (3) Any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed if repair is not feasible. Sign maintenance shall be the responsibility of the underlying fee owner.

Comment [b10]: Part 1 of Existing Section 151.118 (B)(1) – separation adds clarity to the new code.

Comment [b11]: Part 2 of Existing Section 151.118 (B)(1) – separation adds clarity to the new code.

(F) Abatement.

If the City finds that any sign has been erected without the necessary approvals or any sign is being maintained in violation of any zoning provision, the City may give written notice of such violation to the installer of said sign; to the permit holder; and/or to the owner, lessee or manager of said property. If after receiving said notice such person fails to remove or alter said sign so as to comply with the provisions of the zoning ordinance, the sign shall be deemed to be a nuisance and may be abated by the City under Minnesota Statutes, Chapter 429. The cost of such abatement, including administrative expenses and reasonable attorneys' fees, may be levied as a special assessment against the property upon which the sign is located.

151.117 General Standards

(A) Abandoned Signs

Abandoned signs shall be removed.

Comment [b12]: Existing Section 151.118 (B)(6) – edited for clarity given that the definition for abandoned sign covers many things other than "sign structures" which are referenced in the existing code.

(B) Building Identification

A building address, date of construction, commemorative tablet, etc; shall not count towards the overall permitted signage on a building or parcel. All forms of building identification, except for the building address, shall be cut into a masonry surface or be constructed of incombustible material.

Comment [b13]: Existing Section 151.118 (B)(10) – edited to address number heights and other forms of building identification.

- (C) Building Official Review.** No sign shall be attached to or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the City Building Official.

- (D) **Changeable Copy Signs.** A changeable copy sign, such as a reader board, may be integrated into an allowable sign subject to the following restrictions:
- (1) The message conveyed by the sign face shall not blink, flash, scroll or be so animated as to be deemed a distraction to passing motorists;
 - (2) Copy on the sign shall not change more than once per day on average (except for time, temperature, and price information which must change when necessary for accuracy);
 - (3) Characters and backgrounds depicted on a changeable copy sign shall not use florescent coloring.
 - (4) All changeable copy sign faces shall be limited to a maximum of 25 square feet in sign area, or the maximum size of the type of sign on which the face is placed, whichever is less.

- (E) **Flags.** No more than 3 flags may be displayed on any given parcel. Individual flags shall not exceed fifty (50) square feet in size per surface.

Comment [b14]: Existing Section 151.118 (B)(8) – edited to establish a maximum flag size.

(F) **Illumination.**

- (1) Illumination of signs shall comply with Chapter 150 code requirements governing Lighting, Glare Control, and Exterior Lighting Standards.
- (2) Indirect illumination for signs shall be so constructed and maintained that the source of light (i.e. the bulb; not the fixture) is not visible from the public right-of-way or residential property.
- (3) Back-lit awnings are prohibited.

- (G) **Ingress or egress.** No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

Comment [b15]: Existing Section 151.118 (B)(4)

- (H) **Landscaping.** Sign owners shall be required to maintain the appearance of the ground around all signs detached from buildings and to landscape where possible.

Comment [b16]: Existing Section 151.121 (B)(5)(d) – edited to require landscaping around all signs in all districts in compliance with the city's existing landscaping codes.

(I) Master Sign Program

Comment [b17]: Existing Sections 151.121 (C)(3) and (C)(3)(a) -- edited to better explain what was needed for a Master Sign Program application.

A Master Sign Program shall be reviewed and approved for all multi-tenant commercial buildings and for all business park development to coordinate all signage for current and future tenants. The Master Sign Program shall be reviewed as a permanent sign permit, but shall only authorize the general locations and sizes of signs to be erected within a development or on a multi-tenant building. Individual permanent sign permits shall still be needed for the placement of permanent signs in accordance with an approved Master Sign Program. Master Sign Programs shall be subject to the following requirements:

- (1) A Master Sign Program shall include a to-scale site plan which identifies the overall sign types, sizes, and locations for all proposed signage on the site(s). The site plan shall not contain the names of any current or future tenants or occupants of the center or overall development.
- (2) The Master Sign Program shall include a calculation of allowable sign square footage for the site(s) based on applicable zoning requirements and lot characteristics.
- (3) The Master Sign Program shall include square footage calculations for individual signs proposed for the site(s), along with a total sign square footage area calculation.
- (4) All signs within a Master Sign Program shall be visually consistent in location, design, and scale.
- (5) The Master Sign Program may be reviewed concurrently with a separate permanent sign permit for the individual sign(s) identified in the Master Sign Program. The separate permanent sign permit shall include all information required by section 151.116(A)(1), and may only be approved if the Master Sign Program is approved.

(J) Multi-Tenant Buildings

Comment [b18]: Existing Sections 151.121 (C)(3)(b, c, & d) -- minor edit in sub (1) for clarity.

- (1) Multi-tenant buildings are herein considered a single commercial establishment, and shall be limited to one (1) freestanding sign amongst all planned/allowed signage subject to the following requirements:
 - (a) If the multi-tenant commercial building has a floor area of 40,000 square feet or less, the sign shall not exceed forty (40) square feet (per side) and shall not exceed eight (8) feet in height.
 - (b) If a multiple tenant commercial building has a floor area greater than 40,000 square feet but less than 100,000 square feet, the sign shall not exceed seventy-five (75) square feet (per side) and shall not exceed nine (9) feet in height.

- (c) If a multiple tenant commercial building has a floor area of greater than 100,000 square feet, the sign shall not exceed 120 square feet (per side) and shall not exceed fifteen (15) feet in height.
- (2) Where a building, group of attached buildings on the same block, or center contains more than one business, the allowable sign area for any single business may be its portion of the gross square footage of the building or center applied as a percentage to the allowable sign area of the entire building or center, subject to size limitations for specific signs without an approved Master Sign Program.

Comment [b19]: Existing Section 151.121(C)(1)(d) – minor edit for clarity.

(K) Neighborhood Identification Signs

Independent of the total allowable sign area for individual residences within a residential zoning district, two (2) ground signs for a unified residential area with six (6) or more lots may be allowed consistent with the following provisions:

- (1) New subdivisions:
 - (a) Neighborhood identification sign(s) shall be approved as a component of a preliminary and final plat to be included as part of a new subdivision.
 - (b) Each sign shall be single sided, not exceed a total of twenty-four (24) square feet in sign area, and not exceed a total of forty-eight (48) square feet inclusive of poles, bases, and other supports.
 - (c) Signs are to be located on outlots of sufficient size and area to accommodate them or within a dedicated permanent sign easement. A homeowners or neighborhood association is required for the area identified by the signs which shall own and be responsible for the upkeep, perpetual maintenance, taxes, insurance, utilities, and other costs associated with the sign(s) and their property. The association rules or by-laws shall specify how the aforementioned sign responsibilities will be delegated and paid for. City staff shall review the proposed bylaws to ensure that they specify the aforementioned responsibilities.
 - (d) Outlots or easements for signs are to be considered and planned for at the time of preliminary plat application and shall be included in the final plat. A developers agreement shall specify the designated use of the outlot or easements, its ownership, and the respective home owners association responsibilities regarding the proposed improvements.
 - (e) Only indirect lighting of neighborhood identification may be approved. The electric costs and maintenance of such lighting shall be the responsibility of the homeowners association or neighborhood association of the area identified by the sign(s) and shall be clearly noted in the association's rules or bylaws.

- (f) The area around the sign is to be landscaped and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to review by the Planning Commission and City Council at the time of Preliminary Plat.
- (g) The design and construction of neighborhood area identification signs shall be done with the highest quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. Neighborhood area identification signs are to be aesthetically pleasing when designed and constructed. The signs shall be compatible with nearby or potential homes and other structures in the area. Detailed construction plans and a materials list shall be included with the preliminary plat application.
- (h) The City reserves the right to require the removal—at the owner's expense—of any sign when the requirements of this Section and this Ordinance are not completely followed and adhered to or if the sign is not properly maintained or falls into a state of disrepair. The City shall not have any obligation or liability to replace any sign or nearby landscaping when removed by the City.
- (2) Existing Unified Residential Areas: A neighborhood identification sign may be allowed by Conditional Use Permit for existing unified residential areas. If no outlots or easements were originally designated for signs, the plat may be amended to provide for such a proposal and shall meet the same criteria and requirements as set forth for new subdivisions.
- (L) ~~Non-commercial speech signs~~. Notwithstanding any other provisions of this sign ordinance, all signs of any size containing non-commercial speech may be posted from August 1 in any general election year until ten (10) days following the general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.
- (M) ~~Private on-premises directional signs~~. Signs located on, above or beside entrances or exits to buildings or driveways which direct pedestrians or vehicles (e.g. "employees entrance," "exit only," "rest rooms," etc) shall not count towards the overall permitted signage on a site provided such signs are no more than four (4) square feet in area.

Comment [b20]: Existing Section 151.119(B)(3) - edited for clarity.

Comment [b21]: Replaces existing section 151.122 - edited for clarity.

(N) Prohibited Signs

The following signs are prohibited in all zoning districts.

- (1) ~~Signs obstructing vision.~~ Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device. This includes indoor signs that are visible from public streets. Comment [b22]: Existing Section 151.121 (B)(1)

- (2) ~~Unofficial traffic signs or signals.~~ Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs which do not interfere with traffic flows on public roads. Comment [b23]: Existing Section 151.121 (B)(2)

- (3) ~~Off premises advertising signs.~~ Off premises advertising signs except as specifically allowed. Comment [b24]: Existing Section 151.121 (B)(3)

- (4) ~~Signs with moving parts, moving lighting or animation.~~ No sign shall display any moving parts, be illuminated with any flashing or intermittent lights, use changing light intensity, utilize spotlights giving off an intermittent or rotating beam existing as a collection or concentration of rays of light (including but not limited to revolving beacons, beamed lights, or similar devices), or be animated. The only exceptions to this provision include allowable changeable copy signs; barbershop poles; and static time, temperature, and price information changing only when necessary (which shall be allowed provided the message depicted is reasonably accurate). Comment [b25]: Replaces Existing Sections 151.121 (B)(4, 5, 10 & 11)

- (5) ~~Roof signs.~~ Comment [b26]: Existing Section 151.121 (B)(6)

- (6) ~~Banners, pennants, ribbons, streamers.~~ No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners, or similar devices; except when used for non-commercial purposes, as a governmental sign, or as part of an approved master sign program or special event temporary sign permit. Comment [b27]: Existing Section 151.121 (B)(7) -- edited for clarity

- (7) ~~Portable signs.~~ Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, hot air or gas filled balloons or semitruck umbrellas used for advertising. This prohibition shall not include business vehicle identification signs when the vehicle is being used for the normal day-to-day operations of a permitted business. Comment [b28]: Existing Section 151.121 (B)(8)

- (8) ~~Signs supported by a guy wire.~~ Comment [b29]: Existing Section 151.121 (B)(12)

- (9) ~~Billboards.~~ Comment [b30]: Existing Section 151.121 (B)(14)

- (10) ~~Electronic Variable Message Signs.~~ Comment [b31]: An extension of the billboard prohibition from existing section 151.121 (B)(14)

(11) **Signs on natural surfaces.** No sign shall be painted, attached or in any other manner affixed to trees, rocks, or similar naturally occurring surfaces within the City of Lake Elmo. This shall not prohibit the use of natural building materials (e.g. boulders) in the construction of a legally permitted sign.

(12) **Snipe signs.**

(O) **Public lands and rights-of-way.** No signs other than governmental signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements or rights-of-ways without Council approval.

Comment [b32]: Existing Section 151.118 (B)(3)

(P) **Regulations for Specific Sign Types**

(1) **Wall signs**

- (a) A wall sign shall be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed.
- (b) A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed.
- (c) Wall signs authorized by a Master Sign Program shall not exceed 25 square feet per business, and all signs shall be visually consistent in location, design, and scale.
- (d) Wall signs may be placed on not more than three walls of rectangular shaped structures or not more than 75 percent of the major walls on non-rectangular shaped buildings.

Comment [b33]: Existing Section 151.121 (C)(1)(b) -- subjective review language was removed.

Comment [b34]: Existing Section 151.121 (C)(1)(c) -- edited to remove a 20 foot height maximum in favor of just the parapet line.

Comment [b35]: Existing Sections 151.121 (C)(1)(d)(1 & 3) -- combined existing language into one section for clarity.

(2) **Mural Sign.**

- (a) Mural signs shall not be limited in size, but any commercial or non-commercial language incorporated into the mural sign shall be limited in size by the restrictions established for the applicable zoning district.
- (b) In addition to the standard conditional use criteria in section 154.018, mural signs shall also be subject to the following:
 - i. The location for the proposed mural sign shall be viewable by the public and be accessible;
 - ii. The scale and suitability of the mural sign shall be appropriate in the context of the surrounding properties;
 - iii. The artist(s) commissioned to complete the mural must provide documentation of demonstrated craftsmanship on similar projects;
 - iv. The applicant shall provide sureties to the city guaranteeing completion of the project within the proposed timeframe;

Comment [b36]: Replaces existing sections 151.121 (B)(9 & 13), and 151.118(B)(11) -- places more scrutiny on signs painted directly on walls.

- v. The applicant shall demonstrate that the necessary funds are available for the proposed project;
- vi. The applicant must be able to show the final mural will last a minimum of five years and be reasonably resistant to vandalism and weather.

(3) Projecting, Awning, and Canopy Signs.

- (a) ~~Projecting signs and awning signs shall be located on street level.~~
- (b) ~~Illuminated projecting, awning, and canopy signs shall use indirect illumination.~~
- (c) Awning or canopy signs shall not project higher than the top of the awning or canopy or below the awning or canopy.
- (d) Clearance. The bottom of a projecting sign or awning shall be a minimum of eight feet (8') above the ground surface when projecting over a private or public walkway.

Comment [b37]: Existing Section 151.121 (B)(7)(b)

Comment [b38]: Existing Section 151.121 (B)(7)(c) -- edited for clarity to match the definitions within the new sign ordinance

(4) Freestanding Signs. Freestanding signs shall not be erected or maintained any closer than three feet to any building.

(Q) Separation Angle. So as not to create a double exposure or increase sign size limitations, there shall be a maximum separation angle of forty-five degrees for signs which are back to back. In all residential districts, double-faced signs shall be parallel.

(R) ~~Signs needing electricity.~~ Signs needing electricity shall be subject to all applicable electrical codes as may be amended. Overhead wiring for such signs is prohibited.

Comment [b39]: Existing Section 151.118 (B)(2) -- edited for clarity to include codes "as may be amended"

(S) Special Sign Districts. All general sign regulations shall apply to signs within each of the special sign districts except as specifically noted herein.

(1) Old Village.

- (a) Boundary. The boundary of the Old Village Sign District is depicted on the city's official sign district map. Modifications to the district boundary may be completed using the zoning map amendment process.
- (b) ~~Illumination.~~ Indirect illumination or reverse lit letters shall be the permitted techniques for lighting all signs within the Old Village Sign District. Other forms of direct illumination are prohibited.

Comment [b40]: Existing Section 151.121 (B)(4)(d) and (B)(5)(e) -- edited for clarity to allow only indirect illumination and reverse lit letters.

(c) Wall Signs.

- i. Wall signs in the Old Village Sign District shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.
- ii. Wall signs in the Old Village Sign District authorized by a Master Sign Program shall not exceed 20 square feet per business, and all signs shall be visually consistent in location, design, and scale.

Comment [b41]: Existing Section 151.121 (B)(4)(c) – adds a 15 foot height maximum to the general standards for wall signs.

Comment [b42]: Existing Section 151.121 (B)(4)(e) – edited for clarity.

(d) Freestanding Signs.

- i. The area of a freestanding sign in the Old Village Sign District shall not exceed thirty (30) square feet.
- ii. Freestanding signs in the Old Village Sign District shall not project higher than six (6) feet, as measured from the average grade at the base of the sign or grade of the nearest roadway, whichever is lower.

Comment [b43]: Existing Section 151.121 (B)(5)(a)

Comment [b44]: Existing Section 151.121 (B)(5)(c)

(2) **Agricultural Sales District**

Comment [b45]: Existing Section 151.149 (B)(10)

- (a) Boundary. The Agricultural Sales District shall include all properties zoned Agricultural or Rural Residential.
- (b) On-premises sign(s). Independent of the total allowable sign area for an individual property within the agricultural sales district, one or more additional on-premises signs may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
 - i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the business are allowed 1 on-premises sign not to exceed 32 gross square feet of advertising surface;
 - ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1 or 2 on-premises signs not to exceed 48 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);
 - iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1, 2 or 3 on-premises signs not to exceed 64 gross square feet of advertising surface (with no sign surface exceeding 32 square feet in size);
 - iv. Sign(s) shall be in the form of an allowable sign type in the underlying zoning district.

- v. No dimension of any sign shall exceed 15 feet exclusive of supporting structures.
 - vi. Any illuminated sign shall be illuminated only during those hours when business is open to the public for conducting business.
- (c) Temporary off-premises sign(s). Independent of the total allowable sign area for an individual property anywhere within the city, a temporary off-premises sign may be erected on a property in conjunction with an operating agricultural sales business subject to the following requirements and restrictions:
- i. **Maximum Number.** Every agricultural sales business shall have no more than two off-premises signs at any given time to direct the public to the location of the business.
 - ii. **Timeframe of use.** Temporary off-premises signs may be erected for 45-day time periods no more than four times in any given calendar year. The required temporary sign permit shall stipulate the range of dates for each of the four allowable time periods in any given calendar year.
 - iii. **Size and Height.** An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height;
 - iv. **Setbacks.** Off-premises signs shall be a minimum of 25' from all side property lines, and a minimum of 50' from other off-premises advertising signs;
 - v. **Permission Required.** Applicants for off-premises signs shall acquire permission from the property owner upon whose land the sign is to be erected.

(3) I-94 District

- (a) **Boundary.** The I-94 district shall include parcels within the BP, GB, HB, CB, and LB zoning districts which meet one of the following criteria:
- i. The property is a buildable lot located to the south of Hudson Boulevard and to the north of Interstate 94.
 - ii. The property's southern boarder abuts Hudson Boulevard, and is not directly north—either wholly or partially—of a developable parcel lying between Hudson Boulevard and Interstate 94.

- (b) **Permits.** Signs in the I-94 District may be erected in conformance with sign regulations governing the underlying zoning district without additional approvals. Signs proposed to conform to the special standards established for the I-94 District shall only be authorized through approval of an interim use permit.
- (c) **Illumination.** All forms of illumination which conform to the general illumination standards for all signs shall be the permitted within the I-94 Sign District.
- (d) **Maximum total square footage of ALL sign surfaces.** The maximum total square footage of all sign surfaces in the I-94 district shall be dictated by the maximum sign sizes for allowable sign types.
- (e) **Wall Signs.** The least restrictive of the following may be used to determine the allowable area for wall signs in the I-94 District:
 - i. The total area of all wall signs on any wall shall not exceed ten percent of the area of the wall with a maximum allowable area of 80 square feet; or
 - ii. The total area of all wall signs on any wall shall not exceed five percent of the area of the wall with a maximum allowable area of 300 square feet.
- (f) **Freestanding Signs.** In lieu of a freestanding sign meeting underlying zoning requirements, a building site within the I-94 District may have one freestanding sign within 50 feet of the property line nearest the Interstate provided the sign does not exceed 150 square feet per side (300 square feet total) or 30 feet in height. The base of such a sign shall be at least 75 percent of the width of the sign and be constructed of materials that match those used on the building for which the sign is installed.
- (g) **Window Signs.** Window signs in the I-94 district shall not cover more than 1/3 of the window area.
- (h) **Awning, Canopy, and Projecting Signs.** One awning, canopy or projecting sign, in conformance with the underlying zoning requirements for height, location, and maximum size may also be erected for each business on a building site in the I-94 District.
- (i) **Substitution Clause.** The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

Comment [b46]: Existing Section 15T.125

(U) Temporary Signs.

- (1) **Special Events.** Temporary signs may be allowed upon issuance of a permit for on-site advertising of special events such as openings and closings, change in management, sales events, or other special occasions. No more than four temporary sign permits may be issued in any calendar year for a given destination, and each temporary sign permit shall run for 15 days. Temporary signs for special events shall be subject to the following regulations:
- (a) Only one on-premises temporary sign shall be allowed per business or event.
 - (b) Temporary signs shall be in the form of an allowable sign type in the underlying zoning district.
 - (c) Temporary signs shall not exceed 32 square feet in area and shall not be taller than 10 feet in height.

Comment [b47]: Existing Section 151.118(B)(5) – minor edit to switch sign type from "ground sign" to "allowed sign types in the underlying zoning district."

- (2) **Residential development advertising signs.** Independent of the total allowable sign area for individual properties or residences within a residential zoning district, one or more additional ground signs may be erected within a newly established unified residential area development subject to the following:

Comment [b48]: Existing Section 151.119(B)(9)

- (a) Minimum Development Size
 - i. Projects of less than 25 acres which create ten or more dwelling units are allowed one (1) on-premises ground sign not to exceed 100 square feet of advertising surface;
 - ii. Projects of 26 through 50 acres which create ten or more dwelling units are allowed 1 or 2 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site; and
 - iii. Projects over 50 acres which create ten or more dwelling units are allowed 1, 2, or 3 on-premises ground signs not to exceed 200 aggregate square feet of advertising surface on the project site.
- (b) Restrictions.
 - i. No dimension shall exceed 25 feet exclusive of supporting structures.
 - ii. The sign shall not remain once 90% of the lots in the development have been issued building permits.
 - iii. The permit for the sign must be renewed annually by the Council.

- iv. Only indirect illumination is permitted and shall only occur during those hours when an on-site sales office or model home is open for conducting business.
- (3) **Temporary Off-Premises Signs.** Temporary off-premises signs may be erected if all of the following criteria are met:
- (a) The destination to which the off-premises sign is advertising is a property for sale;
 - (b) An agent must be present at the destination property for sale, and the property must be open for viewing.
 - (c) The sign must be located on private property, and permission must have been obtained from the private property owner to erect the temporary sign;
 - (d) The temporary off-premises sign shall not exceed six (6) square feet in size;
 - (e) The temporary off-premises sign shall not cause the total square feet of signage on a property to exceed the allowed maximum in the underlying zoning district.
- (V) **Warning Signs.** Warning signs which do not exceed the minimum statutory requirements for size and number may be posted, and shall not count towards the overall permitted signage on a given property. Increases in either size or number over minimum statutory requirements shall count against the overall permitted signage on a given property unless authorized by conditional use permit which finds sufficient evidence that larger or more frequent signage is necessary to provide the intended warning.

151.118 Specific Regulations by Zoning District

- (A) **Sign Setbacks.** Signs shall conform to the set back regulations listed in table 1 for the zoning district in which the signs are located except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Comment [b49]: This table represents a coordination of existing setback requirements.

Table 1: SETBACKS BY ZONING DISTRICT [1]

	Base Zoning Districts													
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP [2]	PF
Front Lot Line	5	5	5	5	5	5	5	5	1	1	1	1	1	5
Side Lot Line	5	5	5	5	5	5	5	5	5	5	5	5	5	5
Rear Lot Line	5	5	5	5	5	5	5	5	10	10	10	10	10	5
Vehicular Access	5	5	5	5	5	5	5	5	15	15	15	15	15	5

[1]: Awning/Canopy signs, mural signs, projecting signs, wall signs, or window signs proposed to be located on a building legally non-conforming to setback requirements shall be permitted without a variance provided all other zoning code provisions are met.

[2]: Signs within Business Parks shall also adhere to the requirements of a master sign program approved by the City Council in conjunction with the business park establishment.

(B) **Allowable Sign Area.** The maximum allowable sign area for an individual sign and for total site signage is listed in table 2 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Comment [b50]: This table represents a coordination of existing sign area requirements to the best of our abilities.

Table 2: ALLOWABLE SIGN AREA BY ZONING DISTRICT

District(s)	Maximum sign area in square feet (per surface) by sign type [1]								Maximum total square footage of ALL sign surfaces
	Awning/Canopy Sign	Ground Sign [2]	Monument Sign [2]	Mural Sign	Pole Sign [2]	Projecting Sign	Wall Sign	Window Sign	
A, RR, R1, R2, RE, OP [3]		6		C	6		6	6	12 square feet
R3 & R4 [3]		12		C	12		12	12	24 square feet
GB, HB, CB, LB, BP, & PF	[4]	30	45	C	30	6	[5]	No max	1.0 square foot per lineal foot of building parallel or substantially parallel to public road frontage (excluding alleys). [6]

[1]: Sign types with shaded cells are prohibited in the applicable zoning district(s). Sign types with a maximum sign area of "C" shall require a conditional use permit.

[2]: Ground, monument, or pole signs, where permitted, shall be limited to one (1) per commercial establishment.

[3]: All sign types in residential districts shall have no more than two (2) surfaces.

[4]: The gross surface of an awning or canopy sign shall not exceed 30% of the gross surface area of the smallest face of the awning or canopy of which the sign is to be affixed.

[5]: On any wall parallel or substantially parallel to a public roadway, the gross surface area of a wall sign shall not exceed 0.75 square feet for each lineal foot of building facing the applicable roadway. For walls not facing a public roadway, the maximum wall sign size shall be twelve (12) square feet.

[6]: Open sales lots or other approved uses on lots without a building shall be limited to thirty (30) square feet of total sign surfaces.

- (C) **Freestanding Sign Height.** The maximum allowable sign height for a freestanding sign is listed in table 3 by zoning district. These maximums shall apply except as may be specifically exempted or restricted in sections 151.117 and 151.118.

Comment [b51]: This table represents a reasonable approach to standard height maximums for the various zoning districts.

**Table 3: ALLOWABLE FREESTANDING SIGN HEIGHT IN FEET
BY ZONING DISTRICT**

	Base Zoning Districts													
	Residential Districts								Business Districts					
	A	RR	R1	R2	R3	R4	RE	OP	GB	HB	CB	LB	BP	PF
Allowable Height in feet	5	5	5	5	8	8	5	5	20	20	20	20	20	20

151.119 Sign Variances

Variances from sign provisions shall be administered in accordance with section 154.017, and shall be subject to the following additional requirements:

- (a) The sign(s) shall be compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood;
- (b) The sign(s) shall have good scale and proportion in the visual relationship to buildings and adjacent areas;
- (c) The material, size, color, lettering, location, and arrangement of the sign(s) is an integral part of the site and building design; and/or
- (d) The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City Planner.

Signs: Summary of Public Feedback

- Rockpoint Church concerns:
 - Directional signage needed as it is difficult to find if you're not familiar with the entry point, the ¾ intersection, etc.
 - Consider regulation that would allow an entry sign in cases like this.
 - Wall sign needed for the Church.
 - Check the downtown area as the downtown church allegedly has directional signs.
- General Developer concerns:
 - Neighborhood entry monument signs should be reconsidered.
- Multi-Tenant Building concerns:
 - City should consider a regulation that would allow for more signage based on leased square footage.
- Political sign concerns:
 - Can the city regulate the number and size of such signs?
 - Can the city regulate placement of such signs?
 - Do not regulate these signs during election years.
- Future zoning district concerns:
 - How will the current update impact future zoning districts that have yet to be created for guided development south of 10th Street.
- Use of natural materials concern:
 - The proposed prohibition on painting signs on natural surfaces such as trees or rocks should not preclude the use of natural materials in a sign.
- Enforcement concern:
 - Be sure the final ordinance can be easily enforced
- Amount of signage concerns:
 - Desires expressed to limit overall signage; desires expressed to expand allowed signage types and sizes.
 - Desires expressed for more sign options; desires expressed for tighter regulations.
- Home Occupation concerns:
 - Desires expressed to allow reasonable signage for home occupations.
- Economy related concerns:
 - Directional signage needed to advertise properties for sale in today's down market.
- I-94 concerns:
 - Desire for the city to adopt special regulations for the I-94 corridor based on the higher Interstate traffic speeds and the resulting need for larger signs.

SIGNS

§ 151.115 PURPOSE.

Signs have an impact on the rural character and quality of the environment in Lake Elmo. They may attract or repel the viewing public and affect the safety of vehicular traffic. As a rural community, Lake Elmo is unique. The proper control of signs is of particular importance because of this rural quality and uniqueness. Signs should be kept within reasonable boundaries consistent with the objectives and goals of the community to retain its special character and economic advantages which rest in part on the quality of its appearance. The following standards in the section are adopted to regulate signs.

(1997 Code, § 535.01)

Comment [b1]: This language was revised by the 2008 Ordinance update for Agricultural signs, and is included in section 151.115(A)(4) in the new ordinance.

Comment [b2]: Language requiring sign permits is still located in section 151.116 within the new code.

§ 151.116 PERMIT REQUIRED.

- (A) No sign shall be erected, altered, reconstructed, maintained or moved in the city without first securing a permit from the city. The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.
- (B) **Permanent Signs.** To apply for a permanent sign permit, a complete application shall be submitted to the City containing the following:
1. Names and addresses of the applicant, owners of the sign, and lot;
 2. The address at which the sign(s) are to be erected;
 3. The legal description of the property on which the sign(s) are to be erected and the street on which they are to front;
 4. A complete set of scaled plans showing the sign dimensions, area, height, ground elevations, applicable setbacks, and other details to fully and clearly represent the safe construction and placement of the proposed sign(s);
 5. Type of sign(s) being requested (i.e. wall sign, monument sign, etc.);
 6. The permit fee; and
 7. The following if applicable:
 - a. Written authorization from the property owner upon who's land the sign is to be erected;
 - b. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.

Comment [b3]: Now in section 151.116(A) in the new ordinance

- c. A sign plan showing signs for all businesses if the sign is located on a building with more than one business.
- d. Photographs of the building face and the building faces of both adjacent buildings if the sign is being placed on an existing structure.
- e. If replacing a historical sign, pictorial proof or other information that the sign is of historical significance or is a reproduction of a historic sign.

Comment [b4]: Now in section 151.116 (A)(1) in the new ordinance

(C) **Temporary Signs.** To apply for a permit to allow a temporary sign, a complete application shall be submitted to the City containing the following:

- 1. Names and addresses of the applicant, owners of the sign, and lot;
- 2. The address at which the sign(s) are to be erected;
- 3. A generalized plan set showing the sign dimensions and height, and a notation of the materials to be used.
- 4. A scaled site plan which clearly represents the placement of the proposed sign(s) on the applicable property;
- 5. The proposed timeframe(s) over which the sign(s) will be posted;
- 6. The permit fee; and
- 7. The following if applicable:
 - a. Written authorization from the property owner upon who's land the sign is to be erected.
 - b. A permit from either MnDOT or Washington County if the proposed sign is along a state highway or county road.

Comment [b5]: Now in section 151.116 (A)(2) in the new ordinance

(D) **Temporary Sign Renewal.** A temporary sign permit issued by the City may be renewed provided the sign design, size, location, or other previously approved details are not proposed to change. A sign renewal application shall include the following:

- 1. Names and addresses of the applicant, owners of the sign, and lot;
- 2. The address at which the sign(s) are to be erected;
- 3. The date of issuance of the permit being renewed;
- 4. The proposed timeframe(s) over which the sign(s) will be posted;

5. Written authorization from the property owner upon who's land the sign is to be erected (if applicable); and
6. The permit renewal fee.

Comment [b6]: Now in section 151.116 (A)(3) in the new ordinance

(E) **Review.** The planning department shall approve or deny complete sign permit applications upon receipt of a complete application. If the permit is denied, the planning department will send a written notice of denial to the applicant. The written notice will indicate the reason(s) for denial and a description of the applicant's appeal rights.

Comment [b7]: Now in section 151.116 (A)(4) in the new ordinance

§ 151.117 DEFINITIONS.

Unless specifically defined within §§ 151.115 *et seq.*, common definitions, words, and phrases used in this code shall be interpreted so as to give them the same meaning throughout this code, and are found in § 11.01.

(1997 Code, § 535.03)

Comment [b8]: This section will be revised throughout the ordinance process in accordance with changes being made in any given section. It must be reviewed last to ensure all needed definitions are in place.

"Off-premise sign" – a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where such sign is located. A sign located within an easement or other appurtenance to a lot on which a business is located shall be deemed an off-premises sign.

"On-premise sign" – a sign which identifies or advertises an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

"Permanent Sign" – A sign constructed of durable materials designed to exist for the duration of time that the use or occupant is located on the premises.

"Sign" – Any letter, word or symbol, device, poster, picture, statue, reading matter or representation in the nature of an advertisement, announcement, message, or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed for informational or communicative purposes and is visible to the general public.

"Sign, Real Estate Development" – A sign offering for sale, lease, or rent a single-family or multiple-family residential project of 10 or more dwelling units or lots. Real estate development signs shall be administered as permanent signs subject to all removal requirements outlined in code.

"Sign, Agricultural Sales" – A sign placed on a lot or parcel of land advertising an operating and permissible agricultural sales business. Off-premises agricultural sales signs shall be administered as temporary signs subject to all removal requirements outlined in code.

"Sign, Wayside Stand" – A sign located on a temporary structure or vehicle being used to sell agricultural, floricultural, or horticultural products.

"Temporary Sign" – Any sign intended for display over a short period of time.

Comment [b9]: All definitions were added to 151.115.(C) within the new ordinance.

§ 151.118 SIGNS; GENERALLY.

(A) The following provisions apply to signs located in all zoning districts.

Comment [b10]: General standards are now located in section 151.117.

(B) (1) *Maintenance.* All signs and structures shall be properly maintained and shall be constructed of sufficiently permanent material so that they shall not succumb to deterioration from weathering any existing sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered, shall be repainted, repaired, replaced, or removed as necessary.

Comment [b11]: This language was split into two requirements, and placed in sections 151.116(B)(1&2).

(2) *Electrical signs.* When electrical signs are installed, the installation shall be subject to the state's electrical code. Overhead electrical wiring is not allowed.

Comment [b12]: Now in section 151.117(R) -- edited for clarity to include codes "as may be amended"

(3) *Public lands and rights-of-way.* No signs other than governmental signs shall be erected or temporarily placed within any street right-of-way or upon public lands or easements of rights-of-ways without Council approval.

Comment [b13]: Now in section 151.117(O)

(4) *Ingress or egress.* No sign or structure shall be erected or maintained if it prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

Comment [b14]: Same language maintained in section 151.117(G)

(5) *Temporary signs.* Temporary signs may be allowed upon issuance of a permit for on-site advertising of special business events such as openings and closings, change in management, sales events, or other special occasions. No more than four temporary sign permits may be issued in any calendar year for a given destination, and each temporary sign permit shall run for 15 days. Temporary signs shall be subject to the following regulations:

- a. Only one on-premises temporary sign shall be allowed per business or event.
- b. Temporary signs shall not exceed 32 square feet in area and shall not be taller than 10 feet in height.

Comment [b15]: Now in section 151.117 (U)(1) -- minor edit to switch sign type from "ground sign" to "allowed sign types in the underlying zoning district."

(6) *Abandoned sign structures.* Sign structures not used for signing for 12 consecutive months shall be considered abandoned and shall be removed.

Comment [b16]: Edited and placed in section 151.117 (A)

(7) *Compatibility.* All signs shall be compatible with the building and area in which they are located. (Too vague – Removed)

(8) *Flags.* No more than 3 properly displayed flags may be displayed outside of the building.

Comment [b17]: Now in section 151.117 (E) – edited to include a maximum flag size

(9) *Preservation of visual impact of architectural features.* A sign shall not obscure architectural features of a building to which the sign is attached. (Too vague; architectural features can be practically anything...need to differentiate types of features to be protected if this is included – Removed)

(10) *Building address.* A building address shall not be considered a sign.

Comment [b18]: Now in section 151.117 (B) – edited to address number height and building identification markers/plaques

(11) *Graphic design signs.* Graphic design signs shall require a conditional use permit.

Comment [b19]: Replaced with section 151.117 (P)(2) – edited to require greater scrutiny over "mural" signs

(12) *Conditions of waiver.* The terms of §§ 151.115 *et seq.* may be waived if the sign is a historic resource or if the sign is a proposed reproduction of a historic sign. (removed – variance would now be needed for any waiver of sign requirements)

(13) *Computations.* Dimensions of signs shall be calculated in the following manner:

a. *Sign Area Measurement.*

The area of a sign shall be computed by means of the smallest rectangle within which a single sign face can be enclosed. When a sign has two back-to-back sign faces containing sign copy, the sign area for just one face is counted toward the allowed sign area. Poles, bases, and other supports shall not be included in the sign area calculation.

b. *Sign Height Measurement*

The height of the sign shall be computed as the vertical distance measured from the average grade at the base of the sign to the top of the highest attached component of the sign.

Comment [b20]: Now in section 151.116 (D)

§ 151.119 PERMITTED SIGNS.

(A) The following signs are allowed without a permit in all zoning districts, but shall comply with all other applicable provisions of §§ 151.115 *et seq.*:

(B) (1) *Public signs.* Signs of public, non-commercial nature including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on order of a public officer or employee in the performance of official duty;

Comment [b21]: Now in sections 151.116(B)(4) and 151.117(O) – now just covered by the definition for governmental signage along with language allowing such signs on public lands and ROWs

(2) *Integral signs.* Names on buildings, date of construction, commemorative tablet, and the like, which are permanent construction and which are an integral part of the building or the structure;

Comment [b22]: Now in section 151.117(B) – edited for clarity and combined with language governing house numbers

(3) *Political signs.* Signs or posters announcing candidates seeking political office or issues to be voted upon at a public election, the signs must contain the name and address of person(s) responsible for its removal. **(Based on content – removed)** These signs shall be erected no more than 45 days before any election and be removed 10 days after the general election for which they are intended. The city shall have the right to remove and destroy signs after the 10-day limit.

Comment [b23]: Now in section 151.117(L) – edited for clarity

(a) Size.

1. *Residential Districts.* The maximum sign size shall be 6 square feet in area with a maximum height of 4 feet.

Comment [b24]: Now in sections 151.118(B & C) – residential height raised to 5 feet in general for residential signs

2. *Commercial Districts.* The maximum size shall be 35 square feet in area. **(eliminated in favor of general size restrictions during non-election times)**

(b) Notwithstanding these provisions, all non-commercial signs of any size may be posted from August 1 in a state general election year until 10 days following the state election.

Comment [b25]: Now in section 151.117(B) – edited for clarity

(4) *Holiday messages.* Signs or displays which contain or depict messages pertaining to a national, state, or local holiday and no other matter and which are displayed for a period not to exceed 60 days; **(Based on content – removed)**

(5) *Construction signs.* A non-illuminated sign announcing the names of architects, engineers, contractors, or other individuals or firms involved with the construction, alteration, or repair of a building (but not including any advertisement of any product) or announcing the character of the building enterprise or the purpose for which the building is intended. The signs shall be confined to the site of the construction, alteration, or repair and shall be removed within 2 years of the date of issuance of the first building permit or when the particular project is completed, whichever is sooner. One sign shall be permitted for each street the project abuts. No sign may exceed 32 square feet in multi-family residential, commercial, and industrial districts, and 12 square feet in single-family residential districts; **(Based on content – removed)**

(6) *Individual property sale, lease, or rental sign.* An on-premise sign announcing the name of the owner, manager, realtor, or other person directly involved in the sale or rental of the property or announcing the purpose for which it is being offered. The signs are limited to 6 square feet in residential districts and 32 square feet in commercial districts. Signs must be removed within 10 days after sale or rental of property; (Based on content – removed)

(7) *Rummage sale signs.* Signs advertising a rummage sale not exceeding 4 square feet located on private property which conform to the applicable provisions of this title and are removed at the termination of the sale; (Based on content – removed)

(8) *Name plate signs.* (Based on content – removed)

(a) One name plate sign, placed on a wall of the structure, for each dwelling not exceeding 2 square feet in area per structure. No signs shall be constructed to have more than 2 surfaces.

(b) One name plate sign for each dwelling group of 6 or more units. The sign shall not exceed 6 square feet in area per surface. No signs shall be constructed to have more than 2 sides.

(9) *Real estate development project advertising signs*

On premises real estate development project advertising signs may be used if the following requirements are met:

1. Minimum Development Size:

- i. Projects of less than 25 acres which create ten or more dwelling units are allowed 1 on-premises sign not to exceed 100 square feet of advertising surface;
- ii. Projects of 26 through 50 acres which create ten or more dwelling units are allowed 1 or 2 on-premises signs not to exceed 200 aggregate square feet of advertising surface on the project site; and
- iii. Projects over 50 acres which create ten or more dwelling units are allowed 1, 2, or 3 on-premises signs not to exceed 200 aggregate square feet of advertising surface on the project site.

2. On-premises sign requirements:
 - i. No dimension shall exceed 25 feet exclusive of supporting structures.
 - ii. The sign shall not remain once 90% of the lots in the development have been issued building permits.
 - iii. The permit for the sign must be renewed annually by the Council.
 - iv. All signs shall be bordered with a decorative material compatible with the surrounding area.
 - v. Any illuminated sign shall be illuminated only during those hours when business is in operation or when the model homes or other development are open for conducting business.

Comment [b26]: Now in section 151.117(U)(2)

(10) Agricultural sales advertising signs:

- a. On-Premises. On-premises agricultural sales advertising signs may be used subject to the following requirements:
 1. Acreage dedicated to agricultural production:
 - i. Agricultural sales businesses utilizing less than 10 acres of land specifically for the growing of agricultural crops for the business are allowed 1 on-premises sign not to exceed 32 gross square feet of advertising surface;
 - ii. Agricultural sales businesses utilizing more than 10 acres of land but less than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1 or 2 on-premises signs not to exceed 48 gross square feet of advertising surface (with neither sign exceeding 32 square feet in size);
 - iii. Agricultural sales businesses utilizing more than 40 acres of land specifically for the growing of agricultural crops for the business are allowed 1, 2 or 3 on-premises signs not to exceed 64 gross square feet of advertising surface (with no sign exceeding 32 square feet in size);
 2. On-premises sign requirements:
 - i. No dimension of any sign shall exceed 15 feet exclusive of supporting structures.

- ii. The permit for the sign must be renewed annually by the Council.
 - iii. All signs shall be bordered with a decorative material compatible with the surrounding area.
 - iv. Any illuminated sign shall be illuminated only during those hours when business is open to the public for conducting business.
- b. **Off-premises.** An off-premises agricultural sales advertising sign may be used if the following requirements are met:
- 1. **Maximum Number.** Every agricultural sales business shall have no more than two off-premises signs at any given time to direct the public to the location of the business.
 - 2. **Off-premises sign requirements:**
 - i. An off-site agricultural sales advertising sign shall not exceed 50 square feet in area and shall not be taller than 10 feet in height;
 - ii. Off-premises signs shall be a minimum of 25' from all side property lines, and a minimum of 50' from other off-premises advertising signs;
 - iii. Applicants for off-premises signs shall acquire permission from the property owner upon who's land the sign is to be erected.
 - 3. **Timeframe of use.** Either one or two off-premises agricultural sales advertising sign(s) may be erected for a 45-day time period no more than four times in any given calendar year. The required yearly permit shall stipulate the range of dates for each of the four allowable time periods.

Comment [b27]: Now in section 151.117(S)(2)

(11) **Wayside Stand sign.** Temporary wayside stands permitted by code may have one non-illuminated sign (exempt from permitting requirements) not to exceed 32 gross square feet of advertising surface.

Comment [b28]: Addressed by "Business Vehicle Identification Signs" in the new ordinance.

(12) **Window signs.** No sign permit is required for window signage that does not cover more than 1/3 of the total area of the window in which the sign is displayed; and

Comment [b29]: Now in section 151.116 (B)(3) -- removed the 1/3 threshold as part of the transition such that window signage in general will no longer require a permit.

(13) **No trespassing/no hunting signs.** No trespassing and no hunting signs shall be no larger than 2 square feet.

Comment [b30]: Now in section 151.117(N)

(1997 Code, § 535.05) Penalty, see § 10.99

§ 151.120 PROHIBITED SIGNS IN ALL ZONING DISTRICTS.

Comment [b31]: Prohibited signs are now listed in section 151.117(N).

(A) The following signs are prohibited in all zoning districts.

(B) (1) *Signs obstructing vision.* Any sign which obstructs the vision of drivers or pedestrians or detracts from the visibility of any official traffic-control device.

Comment [b32]: Now in section 151.117 (N)(1).

(2) *Unofficial traffic or signals.* Any sign which contains or imitates an official traffic sign or signal, except for private, on-premises directional signs.

Comment [b33]: Now in section 151.117 (N)(2).

(3) *Off premises advertising signs.* Off-premises advertising signs except as regulated in §§ 151.115 *et seq.*

Comment [b34]: Now in section 151.117 (N)(3).

(4) *Moving or rotating signs.* Any sign which moves or rotates, including electronic reader board signs, except approved time and temperature information signs and barber poles.

Comment [b35]: Now in section 151.117 (N)(4) -- combined with other prohibited sign language for clarity.

(5) *Illuminated or flashing lights.* No sign shall display any moving parts, be illuminated with any flashing or intermittent lights or shall be animated, except time and temperature information. All displays shall be shielded to prevent any light to be directed at oncoming traffic in the brilliance as to impair the vision of any driver. No device shall be illuminated in a manner as to interfere with or obscure an official traffic sign or signal. This includes indoor signs that are visible from public streets.

Comment [b36]: Now in section 151.117 (N)(4) -- combined with other prohibited sign language for clarity.

(6) *Roof signs.*

Comment [b37]: Now in section 151.117 (N)(5).

(7) *Banners, pennants, ribbons, streamers.* No sign which contains or consists of banners, pennants, ribbons, streamers, string of light bulbs, spinners, or similar devices, except where used for non-commercial purposes or part of an approved sign plan.

Comment [b38]: Now in section 151.117 (N)(6).

(8) *Portable signs.* Including but not limited to signs with wheels removed, attached temporarily or permanently to the ground, structure or other signs, mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used on the normal day-to-day operations of that business, hot air or gas filled balloons or semitruck umbrellas used for advertising.

Comment [b39]: Now in section 151.117 (N)(7).

(9) *Building walls.* Signs painted directly on building walls unless approved by a sign permit.

Comment [b40]: Replaced with section 151.117(P)(2) -- edited to require greater scrutiny over "mural" signs.

(10) *Illuminated signs or spotlights.* Illuminated signs or spotlights giving off an intermittent or rotating beam existing as a collection or concentration of rays of light.

Comment [b41]: Now in section 151.117 (N)(4) -- combined with other prohibited sign language for clarity.

(11) *Revolving beacons, beamed lights, or similar devices.*

Comment [b42]: Now in section 151.117 (N)(4) -- combined with other prohibited sign language for clarity

(12) *Signs supported by a guy wire.*

Comment [b43]: Now in section 151.117 (N)(8)

(13) *Graphic design signs without conditional use permit.*

Comment [b44]: Replaced with section 151.117 (P)(2) -- edited to require greater scrutiny over "mural" signs

(14) *Billboards.*

Comment [b45]: Now in section 151.117 (N)(9)

(1997 Code, § 535.06) Penalty, see § 10.99

§ 151.121 PERMITTED SIGNS BY ZONING DISTRICT.

Comment [b46]: The table in 151.118(B) identifies allowable sign types by zoning district.

(A) *Permitted signs in residential districts.*

(1) Professional name plate wall signs, not exceeding 2 square feet in area; (Based on content – removed)

(2) Memorial signs or tablets, names of buildings, and the date of erection when cut into a masonry surface or when constructed of bronze or other incombustible material.

Comment [b47]: Now in section 151.117 (B)(1)

(3) Political signs as regulated in §§ 151.115 *et seq.*; (Based on content – removed)

(4) Individual property sale, lease, or rental, as regulated in §§ 151.115 *et seq.*; (Based on content – removed)

(5) Construction signs as regulated in §§ 151.115 *et seq.*; and (Based on content – removed)

(6) Bulletin boards or public information signs not over 32 square feet located only on the premises of public, charitable, or religious institutions. (Based on content – removed)

(B) *Permitted signs by a sign permit in the "Old Village" (south of State Highway 5) in the General Business (GB) Zoning District.*

Comment [b48]: Specialized Old Village regulations are now in section 151.117 (S)(1)

(1) *Number.* One wall, monument, awning, and canopy or 3-dimensional sign is allow per business. When a building or business abuts 2 or more public streets, an additional sign located on each street building face is allowed. (eliminated in favor of general total signage and location requirements)

(2) *Sign plan.* When there is more than 1 business or use in a building with more than 1 sign, a building sign plan shall be provided with the sign permit application.

Comment [b49]: Now in section 151.117(I) which coordinates all existing language requiring a master sign program.

(3) *Other requirements.* See area, location, and height requirements below for type of sign selected.

(4) *Wall signs.*

(a) *Area.* The total building signage shall have an aggregate area not exceeding 0.75 square foot for each foot of the building face parallel or substantially parallel to a street or lot line. (eliminated in favor of general total signage and location requirements)

(b) *Location.* A wall sign shall not project more than 16 inches from the wall to which the sign is to be affixed.

Comment [b50]: Addressed in the general sign standards in new section 151.117(F)(1)(a)

(c) *Height.* A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or 15 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.

Comment [b51]: Now in section 151.117(S)(1)(g)(i)

(d) *Internally illuminated signs.* No internally illuminated signs are allowed.

Comment [b52]: Now in section 151.117(S)(1)(b) -- edited for clarity to allow only indirect illumination and reverse lit letters.

(e) *Special conditions.* Where a principal building is devoted to 2 or more permitted uses, the operator of each use may install a wall sign for their particular use, a sign plan must be submitted for the entire building. The total gross signage for the entire building shall not exceed 0.75 square feet for each foot of the building face parallel, or substantially parallel, to a street lot line (eliminated in favor of general total signage and location requirements) with a maximum of 20 square feet per business.

Comment [b53]: Now in section 151.117(l) which coordinates all existing language requiring a master sign program

Comment [b54]: Now in section 151.117(S)(1)(g)(ii) -- edited for clarity

(5) *Freestanding signs.*

(a) *Area.* The area of pedestal type freestanding signs shall not exceed 30 square feet.

Comment [b55]: Now in section 151.117(S)(1)(d)(g)

(b) *Location.* A pedestal sign shall be located in any required yard but shall have a setback of 15 feet from any point of vehicular access, public roadway, or property line.

Comment [b56]: Now handled by the general city standards for signs setbacks in new section 151.118(A)

(c) *Height.* A pedestal sign shall not project higher than 6 feet, as measured from the base of the sign or grade of the nearest roadway, whichever is lower.

Comment [b57]: Now in section 151.117(S)(1)(d)(a)

(d) *Landscaping.* The area around a monument sign shall be landscaped.

Comment [b58]: Now in section 151.117(F) -- edited to require landscaping around all signs in all districts in compliance with the city's existing landscaping codes.

(e) *Lighting.* Externally illuminated or back lit letters are allowed; no internally illuminated signs are allowed.

Comment [b59]: Now located in new section 151.117(S)(1)(b)

(6) *Awning and canopy signs.*

(a) The gross surface of an awning or canopy sign shall not exceed 30% of the gross surface area of the smallest face of the awning or canopy of which the sign is to be affixed.

Comment [b60]: Now in the table within new section 151.118 (B)(2)

(b) The awning or canopy sign shall not project higher than the top of the awning or canopy or below the awning or canopy.

Comment [b61]: Now in section 151.117(P)(3)(c)

(7) Projecting signs.

(a) The total area of a projecting sign shall be 6 square feet.

Comment [b62]: Now in the table within new section 151.118 (B)(2)

(b) All projecting signs shall be located on street level and easily visible from the sidewalk.

Comment [b63]: Now in section 151.117(P)(3)(a) as a general sign standard.

(c) If lighted, projecting signs shall be externally illuminated.

Comment [b64]: Now in section 151.117(P)(3)(b) -- edited for clarity.

(C) Signs permitted in the Highway Business, Limited Business, General Business, and Business Park Zoning Districts. All commercial office and industrial signs in Highway Business, Limited Business, General Business, and Business Park Zoning Districts require a sign permit.

(1) Wall signs.

(a) Area. The gross surface area of a wall sign shall not exceed 0.75 square feet for each foot of building, parallel, or substantially parallel to the front lot line. (eliminated in favor of general total signage and location requirements)

(b) Location. A wall sign shall be located on the outermost wall of any principal building but shall not project more than 16 inches from the wall to which the sign is to be affixed. The location and arrangement of all wall signs shall be subject to the review and approval of the City Planner. (reinvoked -- too vague)

Comment [b65]: Now in section 151.117 (P)(1)(e)

(c) Height. A wall sign shall not project higher than the parapet line of the wall to which the sign is to be affixed or 20 feet as measured from the base of the building wall to which the sign is affixed, whichever is lower.

Comment [b66]: Now in section 151.117 (P)(1)(b) -- edited to eliminate the 20 foot height maximum in favor of the parapet line maximum only.

(d) Special conditions. Where a principal building is devoted to 2 or more uses, the operator of each use may install a wall sign upon his/her proportionate share of the building wall to which the sign is affixed. A sign plan must be submitted for the entire building containing the following information:

Comment [b68]: Now in section 151.117 (I)

Comment [b67]: Now in section 151.117 (J)(2) -- edited for clarity.

1. The total gross signage for the entire building shall not exceed 1 square foot for each foot of building face parallel, or substantially parallel, to a street lot line

(eliminated in favor of general total signage and location requirements) or a maximum of 25 square feet per business.

Comment [b69]: Now in section 151.117 (P)(1)(c)

2. The location, sizes, types, and elevations of all signs; and

Comment [b70]: Now in section 151.117 (D)(1)

3. All signs shall be visually consistent in location, design, and scale.

Comment [b71]: Now in section 151.117 (P)(1)(c)

(2) Freestanding signs

(a) The gross surface area of a ground sign shall not exceed 30 square feet for each exposed face nor exceed an aggregate gross surface area of 60 square feet.

Comment [b72]: Now in section 151.118 (B)

(b) A ground sign may be set back 15 feet from front or side property lines.

Comment [b73]: Now in section 151.118 (A)

(c) A ground sign shall not project higher than 6 feet, as measured from base of sign or grade of the nearest adjacent roadway, whichever is lower.

Comment [b74]: Consistent with the new definition for ground sign.

(d) There shall be 1 freestanding sign per development site. (removed - unnecessary for ALL businesses to have a ground, monument, or pole sign)

(3) Multi-tenant Master Sign Program. A building Master Sign Program shall be required (for multi-tenant commercial buildings) besides the individual tenant and occupant signs. A building master identification sign may be permitted according to the following requirements.

Comment [b75]: Now in section 151.117 (I) -- edited for clarity

(a) Building master identification signs shall not contain the names of any tenants or occupants of the center.

Comment [b76]: Now in section 151.117 (U)(1) -- edited for clarity

(b) If the multi-tenant commercial building has a floor area of 40,000 square feet or less, the building may have a freestanding sign with a maximum of 1 square foot of sign for each 5 feet of building frontage or 40 square feet maximum in height of 8 feet.

Comment [b77]: Now in section 151.117 (J)(1)(a)

(c) If a multiple tenant commercial building has a floor area greater than 40,000 square feet, but less than 100,000 square feet, the center may have a master identification sign with a maximum of 75 square feet on each side and with a maximum height of 9 feet.

Comment [b78]: Now in section 151.117 (J)(1)(b)

(d) If a multiple tenant commercial building has a floor area of greater than 100,000 square feet, the center may have a master identification sign with a maximum area of 120 square feet on each side and a maximum height of 15 feet.

Comment [b79]: Now in section 151.117 (J)(1)(c)

(1997 Code, § 535.07) Penalty, see § 10.99

§ 151.122 DIRECTORY SIGNS:

(A) *Generally.* Directory signs are used to guide pedestrians to individual businesses within a multiple tenant commercial area and are permitted.

(B) *Placement.*

(1) Sign must be placed on the site of the development.

(2) Sign shall be erected only in internal pedestrian access areas and not in vehicle access areas.

(3) Directory signs area to be used for the purpose of direction and identification only.

(4) Directory signs may be freestanding but shall not exceed 4 feet in height.

(C) *Area.* A directory sign may have maximum area of 1 square foot for each business listed on the sign and 4 square feet for the name of the building or complex.

(1997 Code, § 535.08) Penalty, see § 10.99

Comment [b80]: Replaced by new section 151.117(M)

§ 151.123 AUTOMOBILE SERVICE STATION SIGNS. (This section and all subsections were removed because they are content specific)

(A) Automobile service stations are allowed 1 wall sign and 1 ground sign subject to the following conditions.

(B) (1) *Wall signs.* There shall be no more than 1 wall sign per building face with a maximum sign area of 0.75 square feet for each lineal foot of building frontage.

(2) *Freestanding signs.* There shall be no more than 1 freestanding sign for each principal building. A freestanding sign shall be set back 15 feet from the front and side property line. A freestanding sign shall not project higher than 6 feet as measured from grade or contain more than 30 square feet of signage.

(3) *Service bay and island identification signs.* Service bay and island identification signs are permitted providing direction or instructions to persons using the facility, but shall contain no advertising material of any kind.

(1997 Code, § 535.09) Penalty, see § 10.99

§ 151.124 VARIANCE STANDARDS.

(A) *Variations.* The Planning Commission shall hear requests for a variance to the literal provisions of §§ 151.115 *et seq.* in instances where the strict enforcement would cause an undue hardship because of circumstances unique to the individual property under consideration and to grant the variance only when it is demonstrated that:

(1) There are extraordinary circumstances that apply to this property which do not generally apply to other properties in the same zone. These circumstances may include the narrowness, shallowness, shape, and topography of the parcel of land or setback from right-of-way;

(2) The literal interpretation of the provisions of the sign ordinance deprives the applicant rights commonly enjoyed by other properties in the same district under the terms of the sign ordinance;

(3) The special circumstances are not the result of the applicant;

(4) The granting of the variances requested do not confer on the applicant a special privilege that is denied by §§ 151.115 *et seq.* to owners of other lands, structures, and building in the same district;

(5) The variances requested are the minimum variances, which would alleviate the hardship;

(6) The variance requested would not be materially detrimental to the purposes of the sign ordinance; and/or

(7) The design of the sign or signs are as follows:

(a) Compatible with the character of the adjacent buildings and with the character of the adjacent neighborhood;

(b) Have good scale and proportion in the visual relationship to buildings and adjacent areas;

(c) The material, size, color, lettering, location, and arrangement of the sign(s) is an integral part of the site and building design; and/or

(d) The colors, materials, and lighting of the sign(s) are restrained and harmonious, as interpreted by the City Planner.

(B) *Application.* An application for a variance to §§ 151.115 *et seq.* shall be processed according to the zoning code.

(1997 Code, § 535.10)

Comment [b81]: Now in section 151.119

Section 151.125 SUBSTITUTION CLAUSE.

The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech signs in lieu of any other commercial speech sign or other non-commercial speech sign. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

Comment [b82]: Now in section 151.117 (C)

Section 151.126 SEVERABILITY.

If any section, subsection, sentence, clause, or phrase in sections 151.115 through 151.125 are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Comment [b83]: Now in section 151.114 (B)

City Council
Date: June 16, 2009
REGULAR
Motion

ITEM: MPCA Watermain Extension Project for Municipal Water to the Olson Property –
Proposal to Oversize to 12-inch Trunk Watermain Pipe

SUBMITTED BY: Jack Griffin, City Engineer

REVIEWED BY: Craig Dawson, Interim City Administrator
Ryan Stempski, Assistant City Engineer
Mike Bouthilet, Public Works
Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is being asked to authorize the expenditure of approximately \$10,000 to increase the watermain pipe size for the MPCA watermain extension project that is providing municipal water service to the Olson property located along Trunk Highway 5 (9524 Stillwater Boulevard). The City would be responsible to own and maintain the watermain. This cost would be paid for from City Water Fund.

The watermain pipe size would be increased to a 12-inch diameter from the minimum required 6-inch diameter pipe for a city owned utility, at a proposed bid price of \$8,846.00. This amount is based upon contractor bids received for the MPCA project, determined by the unit price bid multiplied by an estimated quantity. This proposed segment of watermain is identified in the City's Comprehensive Water System Plan to be part of the future trunk watermain network, shown in the Plan as a 12-inch diameter Trunk Watermain pipe.

Since the watermain extension project to the Olson property is being constructed by the MPCA, increasing this segment of pipe from a minimum required 6-inch diameter to a 12-inch diameter will allow the City to have the trunk watermain segment installed at a discounted cost. In this case, the City is gaining approximately \$50,000 to \$60,000 in infrastructure value for a cost of just under \$10,000.

ADDITIONAL INFORMATION:

The MPCA is providing municipal water to the Olson Property, located at 9524 Stillwater Boulevard, in response to high levels of PFBA contaminant found in the private well. The work will be fully-funded by the MPCA but the watermain pipe will be turned over to the City of Lake Elmo once the project is fully constructed and tested. Plans and specifications for the watermain extension project have been prepared by the MPCA and have been reviewed and approved by the City Engineer. The watermain extension will be constructed to meet the City's Engineering Design Standards, requiring a minimum pipe diameter of 6 inches. Contractor bids were received on June 3, 2009, for both a 6-inch diameter pipe and a 12-inch diameter pipe to identify for the City the added costs to oversize the project to meet future objectives. The tabulation of bids is attached for reference.

Funding for this unbudgeted project will come from the water enterprise fund, which had a cash balance of \$562,800 as of the 2008 year-end.

RECOMMENDATION

Staff recommends that the City Council authorize the expenditure of approximately \$10,000 to oversize the watermain pipe to a 12-inch pipe diameter, to be funded through the City Water Fund.

SUGGESTED MOTION FOR CONSIDERATION:

Move to approve the oversizing of the MPCA watermain extension project to a 12-inch Trunk Watermain pipe at an approximate project cost of \$10,000 (project bid cost of \$8,846), to be funded through the City Water Fund..

SUGGESTED ORDER OF BUSINESS:

Introduction	City Administrator
Staff report	Jack Griffin, City Engineer
Questions from council to staff	Mayor facilitates
Receive public comment (Public Meeting)	Mayor facilitates
Discussion	Mayor and Council Members
Action on motion	City Council

ATTACHMENTS:

1. Project Location Map
2. MPCA Bid Tabulation for watermain extension project

BID TABULATION

AD C3984

WATER MAIN EXTENSION

LAKE ELMO, MN FOR MPCA

OPENED: JUNE 3, 2009 @ 2:30 P.M.

PAGE 1 OF 1

COMPANY:

CITY:

BASE PRICE:

ALTERNATE 1, six-inch DIP water
main in place of 12-inch - DEDUCT:

ENCOMM MIDWEST, INC.

ISANTI, MN

\$53,335.00

\$8,846.00

DAVE PERKINS CONTRACTING,
INC.

RAMSEY, MN

\$63,517.00

\$9,767.00

City Council
Date: June 16, 2009
REGULAR
Item:
MOTION

ITEM: Resolution Authorizing Publication of Storm Water Management and Erosion and Sediment Control Ordinance

SUBMITTED BY: Jack Griffin, City Engineer

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

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve a resolution authorizing the publication of the updated Storm Water Management and Erosion and Sediment Control Ordinance.

The adoption of this updated Storm Water Management and Erosion and Sediment Control Ordinance fulfills a requirement of the City's MS4 permit through the MPCA and fulfills a requirement of the City's Storm Water Management Plan. The updated ordinance will provide one location in the City Code to address storm water requirements for the City. The storm water management language has been clarified to provide clear direction on enforcing the City's rate control and volume control requirements. The ordinance includes sections to address applicability, plan review requirements, performance standards, inspection, maintenance, enforcement and financial security requirements. The ordinance further incorporates the City's Engineering and Design Manual to provide the detailed design requirements for the storm water facilities and erosion control measures that are to be used for construction sites in the City. Staff is updating this manual to incorporate Erosion Control BMPs and Low Impact Development BMPs as part of the overall Stormwater Initiative and MS4 permit.

The City Engineer will present the outline and highlight key items found in this ordinance. As part of the implementation of this ordinance, the planning department will address outdated code sections related to storm water that will be replaced.

ADDITIONAL INFORMATION:

In compliance with the Clean Water Act, the Minnesota Pollution Control Agency (MPCA) has issued a permit to the City of Lake Elmo establishing the conditions for discharging storm water to the waters of the state under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. The City of Lake Elmo was issued coverage of this permit on July 15, 2008. The permit requires that a storm water management and erosion and sediment control ordinance be implemented within six months of MPCA issuance of coverage. Due to the fact that we were in the process of completing the Village Area AUAR and the Local Surface Water Management Plan, MPCA granted an extension to June 30, 2009 to submit the required ordinance. Therefore, to ensure compliance to the NPDES/SDS Permit, we recommend the attached ordinance be incorporated to the City's Code of Ordinances.

RECOMMENDATION

Suggested motion for consideration:

Staff recommends a motion to approve Resolution No. 2009-029, authorizing publication of the Storm Water Management and Erosion and Sediment Control Ordinance.

SUGGESTED ORDER OF BUSINESS:

Introduction	City Administrator
Staff report	City Engineer
Questions from council to staff	Mayor facilitates
Receive public comment	Mayor facilitates
Discussion	Mayor and Councilmembers
Action on motion	City Council

ATTACHMENTS:

1. Storm Water Management and Erosion and Sediment Control Ordinance
2. Resolution No. 2009-029

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

ORDINANCE NO. 08-016

**AN ORDINANCE ADOPTING REGULATIONS TO GOVERN STORM WATER AND
EROSION AND SEDIMENT CONTROL IN THE CITY OF LAKE ELMO**

Section 1. The City Council of the City of Lake Elmo hereby ordains that Sections 150.280 thru 150.296 of the Lake Elmo City Code are to read as follows:

Sections:

- 150.280 Statutory Authorization
- 150.281 Findings
- 150.282 Purpose
- 150.283 Applicability
- 150.284 Definitions
- 150.285 Incorporations by Reference
- 150.286 Plan Review Procedure
- 150.287 Performance and Design Standards
- 150.288 Storm Water Facility Maintenance
- 150.289 Monitoring and Inspections
- 150.290 Enforcement
- 150.291 Financial Securities
- 150.292 Storm Water Utility
- 150.293 Lawn Fertilizer Regulations
- 150.294 Other Controls
- 150.295 Severability
- 150.296 Authority

STORM WATER AND EROSION AND SEDIMENT CONTROL

150.280 STATUTORY AUTHORIZATION.

- (A) This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B, 103F.401, 103F.441, and 462 and Minnesota Rules Chapters 7050, 7090, and 8410. This ordinance is intended to meet the current construction site erosion and sediment control and post-construction storm water management regulatory requirements for construction activity and small construction activity (NPDES Permit) as defined in 40 CFR pt. 122.26(b)(14)(x) and (b)(15), respectively.

150.281 FINDINGS.

- (A) The City of Lake Elmo finds that uncontrolled storm water runoff and construction site erosion from land development and land disturbing activity can have significant adverse

impacts upon local and regional water resources diminishing the quality of public health, safety, public and private property, and natural resources of the City. Specifically, uncontrolled construction site erosion and storm water runoff can:

- (1) Threaten public health, safety, property, and general welfare by increasing runoff volume peak flood flows, and overburdening storm sewers, drainage ways, and other storm drainage systems;
- (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing pollutant loadings of total sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants;
- (3) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperatures;
- (4) Undermine floodplain management efforts by increasing the incidence and levels of flooding;
- (5) Alter wetland communities by changing wetland hydrology and increasing pollutant loading; and
- (6) Generate airborne particulate concentrations that are health threatening or may cause other damage to property or the environment.

150.282 PURPOSE.

- (A) The general purpose of this ordinance is to set forth regulatory requirements for land development and land disturbing activities aimed at minimizing threats to public health, safety, public and private property and natural resources within the City from construction site erosion and post-construction storm water runoff. Specific purposes are to establish performance standards that will:
- (1) Protect life and property from dangers associated with flooding;
 - (2) Protect public and private property and the natural resources from damage resulting from runoff and construction site erosion;
 - (3) Protect functional values of all types of natural water bodies (e.g., rivers, streams, wetlands, lakes, seasonal ponds);
 - (4) Sustain or enhance biodiversity (native plant and animal habitat) and support riparian ecosystems;
 - (5) Protect water quality from nutrients, heavy metals, bacteria, pathogens, debris, thermal stress, and other urban pollutants;
 - (6) Promote infiltration and groundwater recharge;
 - (7) Regulate storm water runoff volumes and peak rates for land development and land disturbing activities;

- (8) Promote regional storm water management by watershed;
- (9) Provide a single, consistent set of performance standards that apply to all land development and land disturbing activities;

150.283 APPLICABILITY.

(A) Storm Water Management

- (1) A Storm Water Management (SWM) Plan shall be required for all proposed land development activity, unless otherwise exempted in this ordinance, which meets any or all of the following:
 - a) Any land development activity that creates new impervious surface that exceeds one acre, including smaller individual sites that are part of a common plan of development that may be constructed at different times; and/or
 - b) A subdivision consisting of 3 or more lots; and/or
 - c) Any land development activity, regardless of size, that the City determines is likely to cause an adverse impact to an environmentally sensitive area or other property.
- (2) Exemptions: The following land development activities will be exempt from the Storm Water Management requirements of this Ordinance:
 - a) Mining activities regulated by Chapter 90 of the City Code.
 - b) Public trail construction and reconstruction projects.

(B) Erosion and Sediment Control

- (1) An Erosion and Sediment Control (ESC) Plan shall be required for all proposed land disturbing activity, unless otherwise exempted in this ordinance, which meets any or all of the following:
 - a) Meets the permit requirements of an Excavation and Grading Permit per Section 151:017 of the City Code; and/or
 - b) New dwelling permits; and/or
 - c) A subdivision of any size; and/or
 - d) Involves the laying, repairing, replacing, or enlarging of an underground utility, pipe or other facility, or the disturbance of road ditch, grass swale or other open channel for a distance of 500 feet or more; or
 - e) Is a land disturbing activity, regardless of size, that the City determines is likely to cause an adverse impact to an environmentally sensitive area or other property, or may violate any other erosion and sediment control standard set forth in this ordinance
- (2) Exemptions: The following land disturbing activities will be exempt from the Erosion and Sediment Control Plan requirements of this Ordinance:

- a) Cemetery graves.
- b) Mining activities regulated by Chapter 90 of the City Code.
- c) Tilling, planting, or harvesting of agricultural, horticultural or silvicultural (forestry) crops.
- d) Emergency work necessary to protect life, limb, or property.
- e) City, county, state, or federal agency project whose plans and specifications meet the requirements of this Ordinance and are reviewed and approved by the City under a separate process.

150.284 DEFINITIONS

- (A) For the purposes of this ordinance, all terms, phrases, words, and their derivatives shall have the meanings as stated in Chapter 11 of the City Code.

150.285 INCORPORATION BY REFERENCE

- (A) The following are incorporated into this ordinance by reference:
 - (1) The Local Surface Water Management Plan.
 - (2) The *City Engineering Design Standards*.
- (B) All storm water mitigation and management technologies shall be consistent with the most current versions of the *City Engineering Design Standards*.

150.286 PLAN REVIEW PROCEDURE

- (A) Plan Approval Required
 - (1) The applicant shall not commence any construction activity subject to this ordinance until plan approval has been authorized by the City and all Fees, Escrows and Securities have been paid and filed with the City.
- (B) Plan Submittal
 - (1) The applicant must submit the required plans and documentation to fully address all provisions of this ordinance and demonstrating conformance to the current versions of the *City Engineering Design Standards*.
- (C) Plan Review and Authorization
 - (1) The City shall review the plan submittal for completeness and compliance with standards. If the City determines that the plan does not meet the requirements of this ordinance, the City shall notify the applicant that the submittal is incomplete and request changes or additional information. The plan(s) must be revised to correct the deficiencies and resubmitted for approval before the land disturbance activity begins. If the City determines that the storm water management plan and/or erosion and sediment control plan meet the requirements of this ordinance, the City shall issue a plan approval valid for a specified period of time that authorizes the land activity contingent on the implementation and completion of this plan. The

City may approve the plans subject to compliance to conditions reasonable and necessary to insure that the requirements in this ordinance are met.

(D) Construction Initiation and First Compliance Inspection

- (1) No work shall begin on a site until a preconstruction meeting has been conducted (if required by the City as part of the plan approval). Once work is authorized to begin, the applicant or agent shall install all erosion and sediment control devices as required by the approved plan and shall inform the City that they are in place. The City will complete an initial site inspection to determine compliance with the plan and to authorize the land disturbance activity to begin.

(E) Adherence to the Approved Plans and Plan Modifications

- (1) Once approved by the City, the storm water management plan and/or erosion and sediment control plan must be followed throughout the duration of the land disturbance or land development activity. The approved plans shall not be modified or altered without receiving written authorization from the City. Plan amendments will be required by the City whenever:

- a) A change in design, construction, operation, maintenance, weather, or seasonal conditions that has a significant effect on the discharge or pollutants to surface waters or underground waters; or
- b) Inspections or investigations indicate the plans are not effective in eliminating or significantly minimizing the discharge or pollutants to surface waters or underground waters or that the discharges are causing water quality degradation; or
- c) The plan is not achieving the general objectives of minimizing pollutants in storm water discharges associated with construction activity; or
- d) The plan is found to not be consistent with the terms and conditions of this Ordinance.

(F) Variance Requests

- (1) The City may grant a variance on a case-by-case basis. The content of a variance is specified in Section 154.017 of the City Code.

150.287 PERFORMANCE AND DESIGN STANDARDS

(A) Storm Water Management Plan.

- (1) All Storm Water Management Plans shall meet the performance and design standards of this ordinance and shall be consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, the *City Engineering Design Standards*, and the filing or approval requirements of relevant Watershed Districts (Brown's Creek, South Washington, and/or Valley Branch), Washington County, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, U.S. Army Corps of Engineers, and other regulatory agencies.

- (2) Storm Water Criteria

a) Storm Water Management Plans will be assessed for stormwater rate control, stormwater volume control and storm water quality management to reduce the impacts of the land activity by maintaining pre-development hydrological conditions in the following ways:

- i) Decrease runoff volume.
- ii) Decrease erosion and sedimentation.
- iii) Decrease flow frequency, duration, and peak runoff rates.
- iv) Increase infiltration (groundwater recharge).
- v) Maintain existing flow patterns.
- vi) Reduce time to peak flows by increasing the time of concentration to and through drainage ways and storm sewers.
- vii) Storage of storm water runoff on-site.
- viii) Avoid channel erosion.

b) Rate Control Requirements

- i) The rate of storm water runoff discharging from a proposed site shall not be greater than the rate of storm water runoff discharging prior to the proposed site alteration for the 2-, 10-, and 100-year storm events. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the *City Engineering Design Standards*.

The analyses for the rate of storm water runoff shall be calculated using the Soil Conservation Service Type II time distribution for the 2-, 10, and 100-year 24-hour storm events. The rate of storm water runoff prior to the proposed development shall be calculated at the pre-settlement condition as defined in the *State of Minnesota Stormwater Manual* for a "meadow" condition based on the applicable Hydrologic Soil Group(s) for the development (see Table 1). For the purposes of the analyses, the Time of Concentration value for the pre-settlement condition shall be the same as the proposed condition.

c) Volume Control Requirements

- i) The volume of storm water runoff discharging from a proposed site shall not be greater than the volume of storm water runoff discharging prior to the proposed site alteration for the 2-, 10-, and 100-year storm events. Storm water best management practices to meet this requirement shall be designed and constructed in accordance with the most current version of the *City Engineering Design Standards*.

The analyses for the volume of storm water runoff shall be calculated using the Soil Conservation Service Type II time distribution for the 2-, 10, and 100-year 24-hour storm events. The volume of storm water runoff prior to the proposed development shall be calculated at the pre-settlement condition as defined in the *State of Minnesota Stormwater Manual* for a "meadow" condition based on the applicable Hydrologic

Soil Group(s) for the development (see Table 1). For the purposes of the analyses, the Time of Concentration value for the pre-settlement condition shall be the same as the proposed condition.

d) Table 1. Curve Number for Pre-Settlement Condition

<u>Hydrologic Soil Group</u>	<u>Runoff Curve Number</u>
A	30
B	58
C	71
D	78

e) Drainage-Related Easements

i) Drainage easements must be acquired on behalf of the City and legally recorded at the County for all permanent storm water facilities to allow for proper access and maintenance activities. At a minimum, drainage easements shall meet the following criteria:

- 1) Easements are required for all ponding areas to the basin's 100-year storm high water level elevation.
- 2) Easements are required for all outlet swales and ditches, and for overland overflow routes located downstream of basins located on site.
- 3) Easements are required for all storm sewer pipes, throughout its entire length. For storm sewer pipes installed less than ten feet in depth within private property, the easement shall be a minimum of twenty feet wide. For storm sewer pipes installed greater than ten feet in depth within private property, the easement shall be a minimum of thirty feet wide, or as determined by the City Engineer.
- 4) Easements are required for maintenance vehicle access to all storm water facilities where not directly available on a public road.
- 5) If a storm water management plan involves direction of some or all runoff off of the site, it shall be the responsibility of the applicant to obtain from adjacent property owners any necessary easements or other property interests concerning flowage of water.

(B) Erosion and Sediment Control Plan.

- (1) All Erosion and Sediment Control Plans shall meet the performance and design standards of this ordinance and shall be consistent with National Pollution Discharge Elimination Permit (NPDES) requirements, the *City Engineering Design Standards*, and the filing or approval requirements of relevant Watershed Districts (Brown's Creek, South Washington, and/or Valley Branch), Washington County, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, and other regulatory agencies.

(2) Erosion and Sediment Control Criteria

a) Erosion and Sediment Control Plans will be assessed in the following ways:

- i) Pollution prevention by minimizing disturbance of natural soil cover and vegetation, and minimizing, in area and duration, exposed soil and unstable soil conditions.
- ii) Using sediment barriers to protect soil stockpiles, receiving water bodies, wetlands, storm sewer inlets, and adjacent properties from sediment deposition.
- iii) Minimize off-site sediment transport on trucks and equipment.
- iv) Minimize work in and adjacent to water bodies and wetlands.
- v) Maintain stable slopes.
- vi) Avoid steep slopes and the need for high cuts and fills.
- vii) Minimize disturbance to the surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing.
- viii) Minimize the compaction of site soils.
- ix) Using and maintaining temporary and permanent soil stabilization.
- x) Controlling site waste through the use of a designated concrete washout area.
- xi) Managing site waste of all unused building materials by properly disposed of wastes offsite and not allowing site wastes to be carried by runoff into a receiving channel or storm sewer system.

- b) All sites must be maintained to prevent unreasonable erosion and sedimentation.
- c) Erosion control measures must be in place before any land disturbance activity begins, and measures must remain in place and functional until the site is permanently stabilized. Adequate and timely temporary and permanent stabilization measures must be taken.
- d) Streets shall be cleaned and swept within 24 hours whenever tracking of sediment occurs and before sites are left idle for weekends and holidays.
- e) All temporary erosion and sediment control measures, such as silt fence and inlet protection devices, shall be removed within 30 days after permanent stabilization is attained. All storm sewer systems and drainage ways must be flushed and cleaned of sediment accumulation and all accumulated sediments must be removed and properly disposed.

150.288 STORM WATER FACILITY MAINTENANCE

(A) Maintenance of Publically Owned Facilities.

- (1) The City shall perform maintenance of publicly owned storm water facilities within the City as provided for in the local surface water management plan and the City Storm Water Pollution Prevention Plan.
- (2) A final inspection shall be required before the City accepts ownership of the stormwater facilities. Before work under the plan is deemed complete, the applicant must submit as-built record drawings and a maintenance plan

demonstrating at the time of final stabilization that the storm water facilities conform to design specifications.

(B) Maintenance of Privately Owned Facilities.

- (1) A maintenance agreement in a form acceptable to the City must be executed and recorded with the County for all permanent Storm Water Facilities to be located on private property. The agreement shall provide a maintenance plan defining the party responsible to conduct maintenance, the type of maintenance and the maintenance intervals.

150.289 MONITORING AND INSPECTIONS

(A) Monitoring and Inspection Requirements for Site Construction.

- (1) The Applicant is responsible for inspections and record keeping in accordance with the approved Plan requirements and NPDES Permit requirements. The applicant must maintain a copy of the approved Storm Water Management and Erosion and Sediment Control Plans at the site at all times including all daily records required by the plan(s). The applicant must monitor site conditions and make any and all necessary repairs and corrections to the erosion control measures to maintain site compliance. The applicant has a duty to report to the City any illegal offsite discharges. Failure to make a report within 24 hours of the discovery of the offsite discharge shall constitute a violation of this ordinance.

(B) City Inspections.

- (1) The City shall conduct inspections on a regular basis to ensure that both storm water and erosion and sediment control measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. The City shall not be responsible for the direct or indirect consequences to the applicant or to third parties for non-compliant conditions undetected by inspection.
- (2) Right of Entry. The issuance of an approved plan under this Ordinance constitutes a right of entry for the City or its contractor to enter upon the construction site for the purpose of obtaining information, examination of records, conducting investigations, inspections or surveys, including the right to bring such equipment to perform such surveys and investigations. The City inspector may copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this site, and may inspect the storm water pollution control and erosion control measures including any sampling and monitoring pertaining to the compliance requirements for the site.
- (3) Construction shall not occur on the site at any time when the City has identified conditions of non-compliance or a stop work order has been issued.
- (4) Construction activities undertaken by an applicant prior to resolution of all discrepancies specified by the City shall constitute a violation of this ordinance.
- (5) Whenever there is insufficient evidence of compliance with any of the provisions of this Ordinance or evidence that any material or construction does not conform to the requirements of the approved plans, the City may require tests as proof of

compliance to be made at no expense to the City. Test methods shall be as specified by recognized test standards, or in the absence thereof, by the City.

150.290 ENFORCEMENT

(A) Enforcement

- (1) The City shall be responsible for enforcing this ordinance.

(B) Penalties

- (1) Any person, firm or corporation failing to comply with or violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this ordinance is committed, continued or permitted, shall constitute a separate offense. All land use and building permits shall be suspended until the applicant has corrected any and all violations.

(C) Enforcement by Stop Work Order

- (1) Whenever a City inspector finds any violation of this ordinance, the inspector will fill out an inspection form noting the observed violations and a Stop Work Order will be issued.
- (2) The Stop Work Order shall be in writing and shall be given to the applicant or the applicant's agent.
- (3) Upon issuance of the Stop Work Order, the cited work shall immediately cease. The Stop Work Order shall state the reason for the order.
- (4) The applicant must immediately begin corrective actions to remedy the violations. Once the violations have been corrected the applicant must contact the City to schedule a re-inspection.
- (5) The applicant may commence further activity at the site after a re-inspection is provided by the City and the City determines that the site is in compliance, and all fees associated with the violation are paid in full.
- (6) If the applicant fails to correct the violations in a timely manner, the City may correct the cited violations and draw down the escrow to cover the costs.

(D) Enforcement Actions to Ensure Compliance

- (1) The City can take the additional following actions in the event of a failure by applicant to meet the terms of this ordinance:
 - i) Withhold inspections or issuance of certificates or approvals.
 - ii) Revoke any permit issued by the City to the applicant.
 - iii) Conduct remedial or corrective action on the development site or adjacent site affected by the failure.
 - iv) Recover from applicant all costs associated with correcting the failure or remediating damage from the failure, by drawing down any escrow funds. If the costs exceed the escrow funds the City may invoice the

applicant with payment due immediately. All payments by applicant must be made prior to resuming work on the site.

- v) Bring other actions against the applicant to recover costs of remediation or meeting the terms of this ordinance.

150.291 FINANCIAL SECURITIES

(A) Financial Securities

- (1) The applicant shall provide security for the performance of the work in the amount established in the City's fee schedule, and in a form acceptable to the City.

(B) Action Against the Financial Security

- (1) The City may access the financial security to conduct work necessary to correct any violations in a timely manner and in accordance with the provisions of this ordinance. The City shall use the security to finance remedial work undertaken by the City, or a private contractor under contract to the City including a fee to the City for processing equal to 10% of the any contractor(s) invoice for materials and services, to reimburse the City for all costs incurred in the process of remedial work including, but not limited to, staff time, engineering fees and attorney's fees.

(C) Maintenance of Financial Security

- (1) If at any time the Financial Security is drawn upon, the applicant will be required to submit additional security to restore the security to the full amount as originally established. Restoring the full security is a requirement prior to resuming work on the site.

150.292 STORM WATER UTILITY

- (A) Please refer to Chapter 53 in the City Code.

150.293 LAWN FERTILIZER REGULATIONS

- (A) No person shall apply fertilizer to or deposit grass clippings, leaves, or other vegetative materials on impervious surfaces, or within storm water drainage systems, natural drainage ways, or within wetland buffer areas.

150.294 OTHER CONTROLS

- (A) In the event of any conflict between the provisions of this ordinance and the provisions of any other city ordinance adopted by the city council, the more restrictive standard prevails.

150.295 SEVERABILITY

- (A) The provisions of this ordinance are severable. If any provision of this ordinance or the application of any provision of this ordinance to any circumstance is held invalid, such

invalidity shall not affect other provisions or applications of this ordinance, which can be given effect without the invalid provision or application.

150.296 AUTHORITY

- (A) This article shall become effective upon its passage and publication in accordance with the law.

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. 08-016 was adopted on this 16th day of June 2009, by a vote of __ Ayes and __ Nays.

Mayor Dean Johnston

ATTEST:

Craig Dawson
Interim City Administrator

This Ordinance No. 08-016 was published on the _____ day of _____, 2009.

CITY OF LAKE ELMO

RESOLUTION NO. 2009-029

**RESOLUTION AUTHORIZING PUBLICATION OF
ORDINANCE NO. 08-016 BY TITLE AND SUMMARY**

WHEREAS, the City Council of the City of Lake Elmo has adopted Ordinance No. 08-016, an ordinance to update the storm water and erosion and sediment control ordinance; and

WHEREAS, the ordinance is lengthy; and

WHEREAS, Minnesota Statutes, section 412.191, subd. 4, allows publication by title and summary in the case of lengthy ordinances or those containing charts or maps; and

WHEREAS, the City Council believes that the following summary would clearly inform the public of the intent and effect of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lake Elmo, that the City Administrator shall cause the following summary of Ordinance No. 08-016 to be published in the official newspaper in lieu of the entire ordinance:

Public Notice

The City Council of the City of Lake Elmo has adopted Ordinance No. 08-016.

In compliance with the Clean Water Act, the Minnesota Pollution Control Agency (MPCA) has issued a permit to the City of Lake Elmo establishing the conditions for discharging storm water to the waters of the state under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. One of the conditions of this permit requires that a storm water and erosion and sediment control ordinance be implemented by the City of Lake Elmo. To ensure compliance to the NPDES/SDS Permit the City has adopted Ordinance No. 08-016 in compliance with this requirement.

The Lake Elmo Code of Ordinances currently references storm water and erosion and sediment control requirements in various sections. Several sections were determined to be outdated and have been updated with more recent storm water technology. The ordinance has also been revised to reference compliance with the City Engineering Design Standards.

The erosion and sediment control requirements are currently unspecific and not applicable to all relevant construction activities. The updated ordinance will require specific plan requirements to ensure the city is minimizing impacts from all significant construction activities. It also clearly

defines the enforcement process to ensure these controls are adequately maintained and functioning as intended.

Additionally, these requirements have now been consolidated into one location to allow for easier reference and enforcement. The updates formalize the application, plan review procedures, standards, inspection, maintenance, financial procedures and enforcement that have been implemented by the City.

The updates to the Lake Elmo Code of Ordinances will meet the storm water and erosion and sediment control ordinance requirement of the NPDES/SDS Permit. The content has been drafted to be consistent and enforceable by City Code.

The full text of Ordinance No. 08-016 is available for inspection at Lake Elmo city hall during regular business hours.

Mayor Dean Johnston

BE IT FURTHER RESOLVED by the City Council of the City of Lake Elmo that the City Administrator keep a copy of the ordinance in his office at city hall for public inspection and that she post a full copy of the ordinance in a public place within the city.

Dated: _____, 20__.

Mayor Dean Johnston

ATTEST:

Craig W. Dawson
Interim City Administrator

(SEAL)

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

and the following voted against same:

Whereupon said resolution was declared duly passed and adopted.

City Council
Date: 6-16-09
REGULAR
Item:
MOTION

ITEM: Appoint applicants to existing vacancies on the parks and planning commissions

SUBMITTED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider appointment to the Parks Commission and Planning Commission, and/or continue to advertise for these appointments.

Parks Commission:

Marty Dobbs, 4240 Ivy Court N., has applied and interviewed for membership on the Parks Commission. There will be two vacancies if Mr. Dobbs is appointed to the commission. Staff will continue to advertise to fill the vacancies.

Planning Commission:

With Todd Ptacek's resignation, there is one vacancy on the Planning Commission. Todd Williams and Larry Green's applications are on file. These applicants have been interviewed. Tom Bidon, First Alternate, will be moved up to finish Todd Ptacek's term which expires on December 31, 2011 and Steve Britz will be moved to the First Alternate position. Council should consider appointing one of these applicants, or continue to seek applicants by advertizing in the newsletter, cable, and website..

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

**APPLICATION FOR PARK COMMISSION APPOINTMENTS
CITY OF LAKE ELMO**

Date: May / 18 / 2009

Name: Marty Dobbs Address: 4240 Ivy Ct. North

Phone Number W) _____ H) 651 779 9243

E-mail address: Martydobbs@comcast.net How long have you lived in Lake Elmo: 18 Years

1. Why are you interested in serving on the Lake Elmo Park Commission? What personal interests and expertise will you bring?

I thought it would be good to get involved a little bit in the Community. I am more interested in the Outdoors than the indoors. My expertise is really in IT but I have a general interest in the environment and an open mind.

2. How will those skills and interests be of service to the development and management of the City's parks, trails and natural areas?

I am not yet certain how my skills will help and would be willing to remain as a interested resident if my skills cannot be used as a board member.

3. What do you see as the role and function of the Park Commission? How does this relate to the roles and responsibility of the City Council in park matters?
The Park board should be interested in the parks system at a more detailed level both ecologically and for the use of the residents. The City council should count on proper representation of the people and the respect for the environment from the Park board members.

4. What value do parks and trails have to our citizens? What role or function do they provide?

They provide places to use energy as in sports, relax and enjoy nature and also as a residence for the creatures around us so we can view and enjoy them also.

6:10 p.m.

RECEIVED

SEP - 8 2008

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

APPLICATION FOR PLANNING COMMISSION APPOINTMENTS

Date: September 8, 2008
Name: Larry Green
Address: 11686 58th Street N, Lake Elmo, MN 55042
Phone Numbers: (W) (651) 430-0030; (H) (651) 430-0030

1. *What do you consider to be the major planning and development issues confronting the City of Lake Elmo?*

Response #1. Preserving and enhancing the rural character of Lake Elmo. Wherever in conflict, balancing the best interests of Lake Elmo's residents with the developmental mandates of the Metropolitan Council. Maintaining the integrity of the Old Village and the rights of those who live between 10th Street N and I-94 as Lake Elmo's population grows.

2. *What do you see as the role and function of the Planning Commission?*

Response #2. Assisting the City Council with respect to the challenges presented by long and short range development plans and pending and proposed projects, and making recommendations regarding specific concerns raised by property owners.

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?*

Response #3. 25 years of practicing law (in Minnesota, Oregon and California), with primary emphasis on real estate acquisition, sale and ownership. Among my clients are several real estate developers for whom I have negotiated real estate transactions valued at more than \$150,000,000. In working with them and others, I have gained a practical understanding of the competing interests of environmental concerns, lenders, governmental agencies, landowners, real estate developers and the community as a whole.

4. *How much time do you have, or are you willing to devote to Planning Commission activities?*

Response #4. That is which is necessary to do the job correctly.

5. *What property or development interest, either direct or indirect, do you have within Lake Elmo?*

Response #5. Family ownership of one single-family residence. Nothing else.

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

SEP - 6 2008

APPLICATION FOR PLANNING COMMISSION APPOINTMENTS

Date: 09/08/08

Name Todd R. Williams

Address 3225 Lake Elmo Ave. N, Lake Elmo, MN 55042

Phone Number W) _____ H) 651-777-0446

1. What do you consider to be the major planning and development issues confronting the City of Lake Elmo?
sewer extension and its impacts on development south of 10th St + in Old Village; development of Old Village in all aspects
2. What do you see as the role and function of the Planning Commission?
Background work + make recommendations to Council on planning, zoning and future development issues.
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 have served on PC and on Council before. I have an excellent grasp of planning issues.
4. How much time do you have, or are you willing to devote to Planning Commission activities?
As much as necessary. I have always fully prepared for meetings.
5. What property or development interest, either direct or indirect, do you have within Lake Elmo?
only my homestead and house.

City Council
Date: June 16, 2009
REGULAR
Item:
Motion

ITEM: Approval of Participants on Policy Committees of Metro Cities
SUBMITTED BY: Craig W. Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: A few meetings ago, Mayor Johnston reported that participants on policy committees of Metro Cities is open broadly to anyone that a member city will allow to serve. While it is common for councilmembers and staff to participate by signing up for a committee voluntarily, the Council also wanted to give interested residents an opportunity to participate. For persons who are not members of the Council or staff, Metro Cities would like to have the Council approve their participation. As the policy committees start to meet the week of July 13, it is timely for Council to approve residents as participants.

The following sign-ups were submitted:

Residents

- Jennifer Pelletier, for the Housing and Economic Development Committee

City Officials

- Dean Johnston, for the Metropolitan Agencies Committee and the Housing & Economic Development Committee
- Craig Dawson, for the Municipal Revenue and Taxation Committee

A City may have up to two representatives serving on a single policy committee. If approved, the City would have two representatives on the Housing and Economic Development Committee.

RECOMMENDATION: It is recommended that the Council approve Jennifer Pelletier's participation for the City of Lake Elmo on the Housing and Economic Development policy committee of Metro Cities for 2009.

SUGGESTED MOTION FOR CONSIDERATION:

Move to approve Jennifer Pelletier's participation for the City of Lake Elmo on the Housing and Economic Development policy committee of Metro Cities for 2009.

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 Council

Date:

June 16, 2009

REGULAR

Item:

Motion

ITEM: Roseville Accounting Services

SUBMITTED BY: Craig W. Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED: Councilmembers Smith and DeLapp have requested that this item be placed on the agenda for tonight's meeting.

BACKGROUND: On May 19, the City Council requested that staff prepare a report and recommendation to be considered at the June 2 City Council meeting. On June 2, the Council discussed this matter and continued it indefinitely.

ATTACHMENTS:

- Staff memorandum & attachments for June 2, 2009, City Council meeting

ORDER OF BUSINESS:

- Introduction Craig Dawson
- Report by staff or other presenter Craig Dawson
Tom Bouthilet
Councilmembers
- 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 Council
Date: 06/02/09
REGULAR
Item:
MOTION:

ITEM: Roseville Accounting Services
SUBMITTED BY: Tom Bouthilet, Finance Director
REVIEWED BY: Craig Dawson, Interim City Administrator
Joe Rigdon, KDV

SUMMARY AND ACTION REQUESTED: The City Council is being asked to re-evaluate the accounting service agreement with the City of Roseville, consider terminating the contract and authorizing the addition of a part-time position to perform these duties.

BACKGROUND: In February of 2008, the Finance Department was reorganized which included the elimination of a full-time accounting position. In order to accommodate some of those duties, Staff recommended contracting accounting services to the City of Roseville. During the July 15, 2008 City Council meeting, The City approved an Agreement for Accounting Services with the City of Roseville through end of 2008 with the understanding that the efficiencies and value of contracting for this service would be evaluated as part of the 2009 budgeting process. The City budgeted \$ 10,000 from the General Fund and \$ 10,000 from the Enterprise Fund in 2009 for this service. All accounting services performed are charged on an hourly basis ranging from \$50.00-\$ 80.00/Hr.

ADDITIONAL INFORMATION: Due to the limited time between the start of the agreement and the completion of the Budget, the City did not have the opportunity to evaluate the efficiencies and value of this service. Sufficient time has now past to review this service and have come to some basic conclusions.

- 1) Material Delivery The then City Administrator lived in the vicinity of Roseville which facilitated delivery and pick-up of documents and eliminated carrier expenses. The Administrator has since left the City resulting in additional time, travel and expense associated with delivery.
- 2) Schedule Roseville's staffing schedule and associated deadlines can cause delay in timely payments resulting in potential late fees or additional time to dispute late fees with the vendor.
- 3) Overall Efficiency Efficiencies or savings of time have not materialized and have not been as expected. Considerable time is required to prepare invoices and materials so that Roseville is able to process them with accuracy and efficiency. This is actually an inefficient process as additional preparation time is necessary on things that City Staff is already familiar with. There is also additional Staff time required due to increased vendor inquiries regarding payments.

4) Flexibility Finance has been limited to responding to special or last minute requests by City Staff.

5) The Auditors have reduced or eliminated the "segregation of duties" clause in the 2008 Audit. It is anticipated that the addition of a part-time accounting position will maintain this status.

RECOMMENDATION: Since the start of the Agreement the City has paid \$8419 or a monthly average of \$ 1403. The expenditure covers services for Accounts Payable and Payroll only and does not cover other services such as Utility Billing called for in the agreement. Staff recommends termination of the Roseville Accounting Services Agreement and hiring a part-time accounting clerk, at a suggested rate of pay up to \$20.00 per hour without health, vacation and other City benefits. This rate of pay including taxes etc. \$22.90 per hour for maximum average of 18 hrs per week = \$412.20 or an annual cost would be \$20,610. Roseville's agreement requires a 30-day notice of termination. City staff suggests that we begin search of the accounting clerk with a hire date that coincides with actual termination date of services.

MOTION FOR CONSIDERATION: Move to approve termination of Agreement for Accounting Services with the City of Roseville and hire part-time Accounting Clerk at a maximum annual wage of \$18,720.00

ATTACHMENT: Minutes from Council Meeting dated July 15, 2008
Agreement for Accounting Services with the City of Roseville

MOTION: Council Member Smith moved to extend the City Council meeting 15 minutes. Council Member Johnson seconded the motion. The motion passed unanimously,

Consider approving contracting for routine account processing services

Susan Hoyt, City Administrator, asked the City Council to enter into an agreement with the city of Roseville for routine account processing services for: accounts payable, payroll, utility billing, reconciliation of accounts, routine monthly and quarterly financial reports and data input into the budget to be charged on an hourly basis.

MOTION: Council Member Johnson moved to authorize into an agreement with the city of Roseville for accounting processing services for an estimated \$10,000 to be funded through the general fund and utility funds through the end of 2008 with the intent to evaluate the efficiencies and value of contracting for this service as part of the city's 2009 budgeting process. Council Member Smith seconded the motion. The motion passed unanimously.

Review the timeline for the 2009 Budget Process

Susan Hoyt, City Administrator, provided a timeline for the 2009 budget process. Finance manager, Joe Rigdon, of KDV will lead the city staff and City Council on the budget initiative.

REPORT AND ANNOUNCEMENTS:

Mayor Johnston attended the monthly meeting of the Regional Council of Mayors. One of the groups there is working on best practices recommendations to aid cities in using the principles of "Green Development." The best practices should be available in the next few months.

The Mayor adjourned the meeting at 8:50 p.m.

Respectfully submitted by Sharon Lumby, City Clerk

Resolution no. 2008-032 approve claims

Resolution no. 2008-033 Accept developer-installed public infrastructure improvements for the H.O.A. 2nd Addition (Eagle Point Circle) Development

City of Lake Elmo
Agreement for Accounting Services
with the City of Roseville

COPY

The agreement for accounting services between the city of Lake Elmo and the city of Roseville for accounting services to include:

- Accounts payable (twice monthly)
- Payroll (twice monthly for regular employees, once monthly for firefighters)
 - Answer payroll related questions from the city of Lake Elmo employees.
- Utility billing for water, sewer and surface water (quarterly for water and sewer and annually for surface water)
- Managing the updates to the utility billing data base
- Month end reconciliations
- Monthly revenue and expenditure reports to the city administrator
- Quarterly revenue and expenditure summary reports for the city administrator to distribute to the city council
- Input into the budget document (as needed from August through December)
- Recommendations on financial accounting software and efficiency improvements in the financial accounting systems(as needed) including the chart of accounts and report formats

The city of Lake Elmo will:

- provide the required information to the accountant to process these tasks and update the systems in a timely way so the accounts can be processed on schedule.
- provide accurately coded accounts payable
- provide data to update the utility billing accounts
- provide access to the city of Lake Elmo's accounting systems on an on-going basis so there is no delay
- answer calls and questions related to accounts payable and utility billing
- provide the budget document format and the budget information to be input into the budget document
- provide work space, a computer, a copier, and other routine office supplies at the city of Lake Elmo, when required to provide these services by the city of Roseville staff
- provide access to the city administrator and finance team in a timely fashion to answer questions and give direction as needed

The city of Roseville will charge an hourly rate as identified in Appendix 1.

- Appendix 1 is annually subject to change based upon a change in costs for providing this service by the city of Roseville that is mutually agreed upon by the two parties.
- Additional charges may include: 1) travel time, 2) copies, 3) postage, 4) other miscellaneous out of pocket expenses that the city of Lake Elmo would typically cover as part of these processes.
- Payment will be made monthly.

City of Lake Elmo
Agreement for Accounting Services
with the City of Roseville

The accounting work will be assigned to accounting personnel by the city of Roseville in consultation with the city of Lake Elmo administrator and finance team.

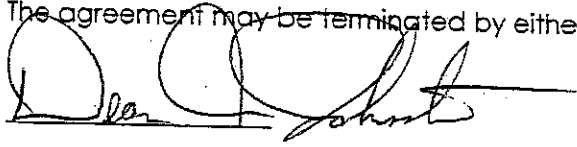
The city of Roseville is responsible for the quality and accuracy of work performed through this contract.

All personnel providing this service from the city of Roseville are city of Roseville employees and are not employees of the city of Lake Elmo.

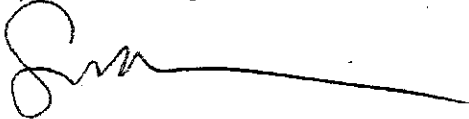
The city of Roseville is not responsible for errors and omissions that the city of Lake Elmo makes in providing information or in its accounting software.

The city of Roseville is not responsible for policies related to the payments, payroll, fees and charges made by the city of Lake Elmo.

The agreement may be terminated by either party with a 30 day written notice.



City of Lake Elmo



City of Roseville

City of Lake Elmo
Agreement for Accounting Services
with the City of Roseville

APPENDIX 1

Assistant Finance Director Services	\$80/hour
Accountant	\$50/hour
Mileage	rate as required