

City of Lake Elmo
3800 Laverne Avenue North

February 3, 2009

*****6:45 p.m. Interview Planning Commission Applicant*****

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. January 20, 2009
- 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. Approve agreement with Molly Krakowski to serve as the Income Determination Consultant for the CDBG Gas Line Replacement Project
 - 4. Accept donations for the Fire Department's Polaris Ranger
- J. REGULAR AGENDA:
 - 5. Consider request by St. Croix Valley Community Foundation
 - 6. Consider appointments to Planning Commission and Park Commission

7. Final action related to a wireless telecommunications tower permit for 9057 Lake Jane Trail; Resolution no. 2009-005

K. REPORTS AND ANNOUNCEMENTS:

Mayor and City Council

Administrator

Planning Director: Update on AUAR status

8. Update on Consultant for New Wireless Telecommunications Ordinance

L. UPCOMING DATES OF NOTE:

February 4th, Sign Regulations Open House

M.. Adjourn

Lake Elmo City Council Meeting

WELCOME

If you wish to address the city council, please fill in the form and give it to the city clerk or the city administrator.

You may address the city council for up to 3 minutes.
The mayor will call upon you when it is time for you to speak during the time designated for public comments on each agenda item.

Name Chris Cunningham

Chris Cunningham

Address 9385 Lake Jake Tr

9385 Lake Jake Tr

What item # and topic Cell Tower

Cell Tower

(If your topic is not a numbered on the agenda, it will be heard at the beginning of the meeting under public comments and inquiries).

Lake Elmo City Council Meeting

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Name Justin Bloyer

Justin Bloyer

Address 888 Jane Rd N

8881 Jane Rd N

What item # and topic Cell tower

Cell tower

(If your topic is not a numbered on the agenda, it will be heard at the beginning of the meeting under public comments and inquiries).

Lake Elmo City Council Meeting

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Name Tom Mechelke

Tom Mechelke

Address 4031 Jane Rd N

9090 Jane Rd N

What item # and topic Cell tower

Cell tower

(If your topic is not a numbered on the agenda, it will be heard at the beginning of the meeting under public comments and inquiries).

Lake Elmo City Council Meeting

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Name Joe Kiesline

Joe Kiesline

Address 9359 Jane Rd N

9359 Jane Rd N

What item # and topic Cell Tower

Cell Tower

(If your topic is not a numbered on the agenda, it will be heard at the beginning of the meeting under public comments and inquiries).

9:20

Lake Elmo City Council Meeting

WELCOME

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Name DM BLACKFORD

Address 9765 45th St. N.

What item # and topic I 7. CELL TOWER ISSUE

(If your topic is not a numbered on the agenda, it will be heard at the beginning of the meeting under public comments and inquiries).

City of Lake Elmo
City Council Minutes

January 20, 2009

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

Present: Mayor Johnston and Council Members DeLapp, Emmons, Park and Smith

Also present: Planning Director Klatt, City Attorney Any Schmidt, City Engineer Griffin, Finance Director Bouthilet, City Administrator Dawson and City Clerk Lumby

APPROVAL OF AGENDA:

MOTION: Council Member DeLapp moved to approve the January 20, 2009 City Council agenda as amended. Add: Item 8.5 Zoning compliance case on Highway 5. Prepare for work session on wireless telecommunications tower. Council Member Smith second the motion. The motion passed unanimously.

ORDER OF BUSINESS:

GROUND RULES:

APPROVED MINUTES:

The January 6, 2009 Council minutes were approved by consensus.

PUBLIC COMMENTS\INQUIRIES:

The Lake Elmo Council assisted in selecting the winners of the Firemen's Relief Association annual raffle.

Richard Eue, Oakdale Gun Club, 10386 10th Street N., provided a noise study of the Oakdale Gun Club completed on November 1, 2008. From the data collected, in his opinion the noise level produced by the Club is lower than the noise level produced by the highway and well below Minnesota's noise standards.

CONSENT AGENDA:

MOTION: Council Member DeLapp moved to approve the Consent agenda Items #3 and #5 as presented. Council Member Park second the motion. The motion passed unanimously.

- Adopt Resolution no. 2009-002 authorizing the application for the MNDOT community roadside landscaping partnership program and authorization of Susan Kane as the primary contact person

- Adopt Resolution no. 2009-004 support of the 34th Red Bull Infantry Division and Stillwater-based 34th Military Police Company of the Minnesota National Guard on its deployment to Iraq

Approve payment of disbursement and payroll in the amount of \$458,369.53

Council Member DeLapp asked for an explanation of the Campbell Knutson claim which was HR related advice and the Mayor's travel expense of \$210 which was mileage for business meetings for six months.

MOTION: Council Member DeLapp moved to approve the payment of disbursements and payroll in the amount of \$458,369.53. Council Member Smith second the motion. The motion passed unanimously.

Adopt Ordinance no. 08-013 approving the 2009 fee schedule

Council Member DeLapp disagreed with the percentage increase in some fees and questioned the different map charges.

MOTION: Council Member Smith moved to adopt ordinance no. 08-013 approving the 2009 fee schedule. Council Member Park second the motion. The motion passed 4-1: Council Member DeLapp voted against.

Approve the Communications System Subscriber Agreement between Washington County and the City

Council Member DeLapp questioned the need for 31 radios and pointed out that the annual cost of this communication system is \$12,400.

MOTION: Council Member Smith moved to approve the "Communications System Subscriber Agreement" between Washington County and the City. Council Member DeLapp second the motion. The motion passed unanimously

REGULAR AGENDA:

Variance and lot line adjustment for 8186 and 8190 Hill Trail N.

Planning Director Kyle Klatt explained the City Council is being asked to consider a variance request from James Dillon to move a property line between 8190 and 8186 Hill Trail N. such that the total parcel area of 8186 Hill Trail N. is reduced by 470 square feet. Both of these lots are non-conforming with regards to the R-1 Shoreland District lot area requirement of 1.5 acres per lot, and a variance is required to reduce the size of a lot below its current size.

The variance has been requested in order to move the boundary between the two affected parcels to a location that was previously assumed to be the property line before a survey was recently completed for one of the parcels. The applicant has stated a variance is justified because the current owner will not be able to adequately maintain this land due to the difference in elevation between the properties and a retaining wall that was installed in this area,

MOTION: Council Member DeLapp moved to adopt Resolution no. 2009-003, A Resolution approving the lot area variance for Larry Paul to allow a lot line adjustment that will educe the total area of the existing non-conforming property at 8186 Hill Trail North by 470 feet. Council Member Smith second the motion. The motion passed unanimously.

Review work plan for wireless telecommunications tower ordinance update

Planning Director Kyle Klatt reported the City Council was being asked to review a proposed work plan related to a project to update the City's Wireless Telecommunications Tower Ordinance. The work plan contains the list of objectives reviewed by the Council at its most recent workshop and includes a schedule for performing the tasks required to draft a new ordinance.

The Council discussed engaging consulting services for a technical review of the application for a wireless telecommunication tower at 8057 Lake Jane Trail and to provide comments for drafting an ordinance.

MOTION: Council Member Park moved to direct the staff to bring back options for expertise to assist in drafting a wireless telecommunications ordinance to the February 3rd City Council meeting. Council Member Smith second the motion. The motion passed unanimously

Council Member Emmons suggested a meeting, composed of two Council members, T-Mobile reps and interested residents, prior to the City Council work session on January 27th. The purpose of the meeting was to better understand the perspective of those interested in the application and to understand the options available.

MOTION: Council Member Park moved to appoint Council Members Smith and Emmons to represent the Council at the January 26th Ad Hoc Committee meeting for the T-Mobile Telecommunications Tower application. Mayor Johnston second the motion. The motion passed 3-2: Council Members DeLapp and Emmons voting against.

Council Member DeLapp proposed to deny the application based on the unacceptability of the proposed color of the tower, that the company should have met a requirement to seek a public location for the tower, and that the current cell service is not inadequate. DeLapp provided a map found on T-mobile's website and noted that it would provide adequate cell phone coverage to all the users in the City. He questioned whether the company needs the tower.

Attorney Amy Schmidt responded that taking action now was inappropriate as the public notice did not have this item on the agenda.

Zoning Compliance Case on Highway 5/Stillwater Blvd.

Ed Nielsen, 9498 Stillwater Blvd. N., spoke for his neighbors Tammy Malmquist and Joe Lenz, on a complaint at 9442 Stillwater Blvd. N. Mr. Nielson had met with Consulting Planner Ben Gozola and Interim Administrator Dawson this morning to review Mr. Gozola's report on this property. Mr. Nielsen thanked Ben Gozola for the work he has done on this complaint, but asked that the City implement a plan to resolve the violations by Spring.

Review financing options for Street Capital Improvements Program (CIP) and authorization to proceed on the 2009 street improvements feasibility report

City Engineer Jack Griffin introduced the 5-year street CIP and detailed the street improvement process. A breakdown of the local street program and the Municipal State Aid system was provided. explained the City Council was being asked to receive options for financing the Street Capital Improvement Program.

Jonathan North of Ehlers was present to speak to the long-term financial plan.

Council Member DeLapp asked for discussion on changing the cost allocation formula to residents benefitting from road projects and from taxpayers subsidizing those benefitting.

Discussion ensued followed by a motion for adjournment.

MOTION: Mayor Johnston moved to adjourn the meeting at 9:50 p.m. Council Member Smith second the motion. The motion passed 3-2: Council Members Emmons and Park voting against.

Meeting adjourned at 9:50 p.m.

City Council
Date: 02/03/2009
CONSENT
Item: 2

ITEM: Approve disbursements in the amount of \$106,907.57

SUBMITTED BY: Tom Bouthilet, Finance Director

<u>Claim #</u>	<u>Amount</u>	<u>Description</u>
ACH	\$ 7,803.89	Payroll Taxes to IRS 01/29/09
ACH	\$ 1,207.74	Payroll Taxes to Mn Dept. of Revenue 01/29/09
ACH	\$ 3,790.00	Sales & Use Taxes-MN Dept. of Revenue 02/03/09
DD2029-DD2042	\$ 18,480.60	Payroll Dated 01/29/2009 (Direct Deposit)
33771-33778	\$ 8,760.80	Payroll Dated 01/29/2009 (Payroll & Benefits)
33797-33834	\$ 66,864.54	Accounts Payable Dated 02/03/2009

Total: \$ 106,907.57

SUMMARY AND ACTION REQUESTED: The City Council is being asked to approve disbursements in the amount of \$ 106,907.57

Accounts Payable

Checks for Approval

User: julie
 Printed: 01/29/2009 - 10:33 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33831	02/03/2009	Development Fund	Engineering Services	TKDA, Inc.	31.81
33831	02/03/2009	Development Fund	Engineering Services	TKDA, Inc.	1,058.60
33831	02/03/2009	Development Fund	Engineering Services	TKDA, Inc.	3,232.08
33831	02/03/2009	Development Fund	Engineering Services	TKDA, Inc.	2,081.33
33831	02/03/2009	Development Fund	Engineering Services	TKDA, Inc.	1,970.38
33831	02/03/2009	Development Fund	Engineering Services	TKDA, Inc.	95.42
33831	02/03/2009	Village	Engineering Services	TKDA, Inc.	554.50
33831	02/03/2009	General Fund	Engineering Services	TKDA, Inc.	4,835.01
33831	02/03/2009	General Fund	Engineering Services	TKDA, Inc.	3,222.85
33831	02/03/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	1,962.39
33831	02/03/2009	Park Dedication	Engineering Services	TKDA, Inc.	138.85
33831	02/03/2009	Surface Water Utility	Engineering Services	TKDA, Inc.	5,506.85
33831	02/03/2009	Water	Engineering Services	TKDA, Inc.	2,009.65
33831	02/03/2009	Sewer	Engineering Services	TKDA, Inc.	548.06
33831	02/03/2009	Surface Water Utility	Engineering Services	TKDA, Inc.	688.96
33831	02/03/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	1,423.43
33831	02/03/2009	Infrastructure Reserve	Engineering Services	TKDA, Inc.	754.79
33831	02/03/2009	Development Fund	Engineering Services	TKDA, Inc.	619.02
33820	02/03/2009	General Fund	Miscellaneous	City of Roseville	955.00
33813	02/03/2009	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	340.00
33813	02/03/2009	General Fund	Repairs/Maint Contractual Bldg	Diane Rud	255.60
33813	02/03/2009	General Fund	Use Tax Payable	Diane Rud	-35.60
33833	02/03/2009	General Fund	Small Tools & Minor Equipment	VISA	711.86
33833	02/03/2009	Capital Aquisitions	Office Equipment & Furnishings	VISA	1,103.75
33805	02/03/2009	General Fund	Dues & Subscriptions	IAFC Membership	215.00
33810	02/03/2009	General Fund	Cable Operation Expense	Steven Press	125.41
33810	02/03/2009	General Fund	Cable Operation Expense	Steven Press	62.41
33810	02/03/2009	General Fund	Use Tax Payable	Steven Press	-11.18
33811	02/03/2009	Water	Postage	Pitney Bowes Reserve Account	1,000.00
0	02/03/2009	General Fund	Use Tax Payable	ACH MN Department of Revenue	3,790.00
33797	02/03/2009	General Fund	Dues & Subscriptions	10,000 Lakes Chapter	50.00
33814	02/03/2009	General Fund	Office Supplies	S&T Office Products, Inc.	487.19
33814	02/03/2009	General Fund	Office Supplies	S&T Office Products, Inc.	27.21

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33814	02/03/2009	General Fund	Office Supplies	S&T Office Products, Inc.	21.83
33814	02/03/2009	General Fund	Office Supplies	S&T Office Products, Inc.	19.53
33814	02/03/2009	General Fund	Office Supplies	S&T Office Products, Inc.	-66.41
33814	02/03/2009	General Fund	Office Supplies	S&T Office Products, Inc.	-19.53
33814	02/03/2009	General Fund	Office Supplies	S&T Office Products, Inc.	-27.21
33824	02/03/2009	General Fund	Legal Services	Peterson Fram & Bergman Corp	1,859.38
33824	02/03/2009	Park Dedication	Legal Services	Peterson Fram & Bergman Corp	655.96
33824	02/03/2009	Water	Miscellaneous	Peterson Fram & Bergman Corp	33.00
33824	02/03/2009	General Fund	Legal Services	Peterson Fram & Bergman Corp	33.00
33824	02/03/2009	General Fund	Civil Attorney Criminal	Peterson Fram & Bergman Corp	3,751.05
33824	02/03/2009	General Fund	Legal Services	Peterson Fram & Bergman Corp	1,566.50
33824	02/03/2009	General Fund	Legal Services	Peterson Fram & Bergman Corp	241.50
33822	02/03/2009	Water	Conferences & Training	MDH	40.00
33826	02/03/2009	General Fund	Fuel, Oil and Fluids	River Country Cooperative	81.33
33827	02/03/2009	General Fund	Office Supplies	Sam's Club	65.77
33827	02/03/2009	General Fund	Miscellaneous	Sam's Club	41.54
33827	02/03/2009	General Fund	Miscellaneous	Sam's Club	5.12
33834	02/03/2009	Surface Water Utility	Conferences & Training	Washington Conservation Dist.	500.00
33812	02/03/2009	General Fund	Printed Forms	Rogers Printing Services, Corp	342.93
33809	02/03/2009	Capital Aquisitions	Fiscal Agent Fees-New Faciliti	Northland Securities, Inc.	1,685.00
33804	02/03/2009	General Fund	Office Supplies	Heritage Printing	40.15
33804	02/03/2009	General Fund	Office Supplies	Heritage Printing	160.66
33807	02/03/2009	General Fund	Dues & Subscriptions	ASSOCIATION OF METROPOLITAN	3,140.00
33823	02/03/2009	Water	Water Utility	MN DNR Waters	1,547.20
33803	02/03/2009	General Fund	Assessing Services	FXL, Inc.	2,000.00
33800	02/03/2009	General Fund	Equipment Parts	Batteries Plus Woodbury, Corp	20.22
33817	02/03/2009	General Fund	Contract Services	Animal Control Services	628.80
33808	02/03/2009	General Fund	Books	MnFIAM	297.55
33818	02/03/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	21.85
33818	02/03/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	33.37
33818	02/03/2009	General Fund	Repairs/Maint Contractual Bldg	Aramark, Inc.	34.75
33798	02/03/2009	General Fund	Uniforms	Aramark, Inc.	34.36
33816	02/03/2009	General Fund	Other Equipment	Washington County	940.00
33816	02/03/2009	General Fund	Assessing Services	Washington County	556.10
33830	02/03/2009	General Fund	Telephone	TDS METROCOM - LLC	163.60
33830	02/03/2009	General Fund	Telephone	TDS METROCOM - LLC	152.86
33830	02/03/2009	Sewer	Telephone	TDS METROCOM - LLC	102.87
33830	02/03/2009	Water	Telephone	TDS METROCOM - LLC	41.59
33806	02/03/2009	General Fund	Repairs/Maint Contractual Bldg	Menards - Stillwater	7.41
33802	02/03/2009	General Fund	Dues & Subscriptions	Firehouse Magazine	90.00
33806	02/03/2009	General Fund	Repairs/Maint Contractual Eqpt	Menards - Stillwater	16.98
33806	02/03/2009	General Fund	Repairs/Maint Contractual Bldg	Menards - Stillwater	4.22
33829	02/03/2009	General Fund	Telephone	Sprint	75.48
33815	02/03/2009	General Fund	Dues & Subscriptions	Sand Creek Group, Ltd.	750.00
33825	02/03/2009	General Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	1,807.03

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
33825	02/03/2009	Development Fund	Contract Services	PLANT HEALTH ASSOCIATES, INC	1,292.50
33801	02/03/2009	General Fund	Conferences & Training	Craig Dawson	5.00
33801	02/03/2009	General Fund	Travel Expense	Craig Dawson	25.30
33828	02/03/2009	Capital Aquisitions	Other Equipment	SHI International	5,231.28
33832	02/03/2009	Fall Festival	Contract Services	Veolia Environmental Services	353.85
33799	02/03/2009	General Fund	Equipment Parts	Emergency Automotive Technology Inc.	39.14
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	-18.61
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	-9.30
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	-9.30
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	45.96
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	-9.30
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	-9.30
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	-9.30
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	-9.30
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	-9.30
33819	02/03/2009	General Fund	Rentals - Buildings	Biff's Inc.	61.27
33821	02/03/2009	Water	Water Sales	Randy Kotasek	314.71

Total for this Date: 70,654.54

Report Total: 70,654.54

City Council
Date: 2/3/09
CONSENT
Item: 3

ITEM: Approve a professional services agreement with Molly Krakowski Consulting to serve as the Income Determination Consultant for the CDBG Gas Line Replacement Project

SUBMITTED BY: Kelli Matzek, City Planner

REVIEWED BY: Craig Dawson, Interim City Administrator
Kyle Klatt, Director of Planning

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to approve a professional services agreement with Molly Krakowski Consulting to serve as the Income Determination Consultant for implementation of the Gas Line Replacement project in the Cimarron neighborhood. Ms. Krakowski would execute the required income determination verification process, maintain mandatory documentation files and perform other associated tasks necessary for utilization of the CDBG funding received by the city in 2008. The city has contracted with Ms. Krakowski for this service in all past phases of this project. Her fee is \$65.00 per hour (unchanged from last time) with a stipulation in the agreement that her compensation will not exceed \$12,000, which will be paid for by the grant.

ADDITIONAL INFORMATION:

- In 2008, the city received \$62,924.03 in Community Development Block Grant funding to replace approximately 30 individual unit's gas service lines at the Cimarron neighborhood by December 31, 2009.
- The City of Lake Elmo has received funding through this grant on three previous occasions for a total of \$130,200 for this project.
- With that money, 223 gas lines were visually inspected by a third party contractor and 81 gas lines were replaced thus far for eligible low income homeowners.
- In 2007, the Cimarron management visually inspected the age of the neighborhood homes in order to update the original targeted home list.
- From that inspection 123 homes were identified for potential replacement that had no permit history of gas line replacement and will be the target for the 30 replacements being funded for eligible low income homeowners in 2009.
- City staff and the Income Determination Consultant are holding an informational meeting at the Cimarron Club House on **Saturday, February 21st from 1:00 p.m. to 3:00 p.m.** for interested Cimarron residents. A letter will be mailed to the targeted homes the following week to seek out interested residents who may have been unable to attend the informational meeting.
- The target date for completion of the gas line replacements is July 31, 2009.

RECOMMENDATION:

Staff is recommending approval of the Professional Services Agreement with Molly Krakowski Consulting.

ATTACHMENTS:

1. Professional Services Agreement with Molly Krakowski Consulting
2. Business insurance documentation

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made as of the 3 day of February 2009, by and between the City of Lake Elmo (the City) and Molly M. Krakowski (the Consultant).

RECITALS

WHEREAS, the City was advised that the Community Development Block Grant (CDBG) needs to be administered according to HUD policy; and

WHEREAS, it was determined that the Consultant could provide these services to administer the above grant; and

WHEREAS, the Consultant and the City will work cooperatively to ensure the CDBG funds are awarded to eligible residents.

NOW THEREFORE, in consideration of the mutual undertakings and agreements hereinafter set forth, the parties hereto mutually agree as follows:

1. Scope of Services. The Consultant hereby agrees to complete the tasks outlined in Exhibit A, as attached hereto and made a part hereof.
2. Term of Agreement. The term of this agreement shall be from February 3 2009 through April 15 2009. The City and the Consultant may extend this agreement for additional terms to be negotiated and agreed upon by mutual consent of both parties. Said extension of terms shall be communicated between the two parties in writing.
3. Compensation. Compensation shall be payable to the Consultant for her services provided hereunder in an amount of \$65.00 per hour, not to exceed \$12,000.00. Invoices must be provided to the City detailing the nature of the expenditures with appropriate back up documentation attached. Invoices are to be submitted at a point to coincide with the grant draw request. The requested compensation must correlate to the activities contained in Exhibit A.
4. Independent Contractor. Nothing contained in this Agreement is intended to create or establish the relationship of employer/employee, or copartners, or joint venture between the parties.
5. Data Practices Compliance. Each party agrees to maintain data that it collects, creates, or maintains in connection with this Agreement in compliance with Minnesota Government Data Practices Act, Minnesota State Statute, Chapter 13.

6. Ownership of Documents and Materials. All documents and materials developed by the Consultant in connection with this Agreement shall be shared with the City.
7. Notices. Any notice, demand, or other communication under this Agreement shall be sufficiently given if it is in writing and dispatched by first class mail, postage prepaid, or delivered personally, addressed as follows:
 - a. If to the Consultant: Molly M. Krakowski, PO Box 486, Stillwater, MN 55082
 - b. If to the City: Kelli Matzeck, 3800 Laverne Ave N, Lake Elmo, MN 55042

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first written above.

Consultant: _____

City: _____

EXHIBIT A

SCOPE OF SERVICES

- Conduct interviews with potential grant recipients, who are predetermined by City Staff
- Determine CDBG eligibility for applicants using appropriate HUD income standards, rules & regulations (income/asset rules, HUD online income calculator, etc)
- Maintain files per HUD/CDBG requirements
- Communicate with City Staff regarding all necessary compliance requirements at end of interview/eligibility process
- Close out files when complete
- Turn files over to City Staff when complete
- Follow Data Privacy Practices regarding applicant information
- Collect HUD required information for Washington County

Capitol Indemnity Corporation
P.O. Box 500, Washington, MN 55783

COMMON POLICY DECLARATIONS

RENEWAL OF NUMBER: CP00306392

POLICY NUMBER	POLICY PERIOD	AGENCY
CP00306392	05/01/2008 05/01/2009	05930
NAMED INSURED AND ADDRESS		AGENT
MOLLY KRAKOWSKI CONSULTING MOLLY M KRAKOWSKI DBA: 1209 3rd St S Stillwater, MN 55082-6252		INTERAGENCY THE (BLACKBUR,NICKELS,SMITH DBA) PO BOX 47248 PLYMOUTH, MN 55447

POLICY PERIOD: 05/01/2008 - 05/01/2009
12:01 A.M. Standard Time at the address of the insured stated herein

BUSINESS DESCRIPTION: CONSULTANT

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY.

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

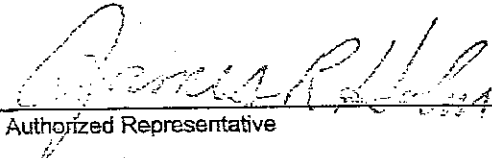
Commercial Property Coverage Part	NOT COVERED
Commercial General Liability Coverage Part	\$ 372
Commercial Crime Coverage Part	NOT COVERED
Commercial Inland Marine Coverage Part	NOT COVERED
Umbrella Coverage Part	NOT COVERED
Liquor Liability Coverage Part	NOT COVERED
Businessowners	NOT COVERED
Employment Practices Liability Coverage Part	NOT COVERED
TOTAL ADVANCE PREMIUM	\$ 372

Premium shown is payable: \$ 372 ANNUAL
TERRORISM RISK INSURANCE ACT OF 2002 NOT COVERED

* THE LIABILITY PREMIUM BASIS OF THIS POLICY IS SUBJECT TO AN AUDIT. ADDITIONAL OR RETURN PREMIUMS MAY BE DUE.

FORMS APPLICABLE TO ALL COVERAGE PARTS: See Attached Commercial Policy Form Schedule # CIG 179

Countersigned 04/22/2008

By 
Authorized Representative

City Council
Date: February 3, 2009
Consent
ITEM: 4
Motion:

ITEM: Accept donations for Polaris Ranger Project

SUBMITTED BY: Greg Malmquist, Fire Chief

REVIEWED BY: Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED:

The City Council is being asked to accept four donations to be used to purchase the necessary equipment for the Polaris Ranger 6 x 6 which was donated to the city. These donations were made to the Fire Department specifically for this project. These dollars will offset the monies already approved from the CIP for this project.

The donations are as follows:

Sam's Club – Woodbury -	\$ 500
Wal-Mart – Woodbury -	\$1,000
Margaret Rossow -	\$ 150
Allen Schultz -	\$ 20

RECOMMENDATION:

Accept donations.

SUGGESTED MOTION FOR CONSIDERATION:

Motion to approve acceptance of the four donations to be used to purchase the necessary equipment for the Polaris Ranger.

ITEM: Consider request from the St. Croix Valley Community Foundation
SUBMITTED BY: Sharon Lumby, City Clerk
REVIEWED BY: Tom Bouthilet, Finance Director

SUMMARY AND ACTION REQUESTED: The City Council is being asked to consider a request for funding (\$1,844 based on a per capita formula) for an art survey to be done in the greater St. Croix Valley communities. The purpose of this study is to explore the viability of creating or sharing space to meet the needs of cultural organization in the region and satisfy the growing needs of the cultural community

The Council tabled the request to allow them to consider this proposal

Funds for this request were not included in the 2009 Budget. Funds could be used from the City's reserves.

ATTACHMENTS:

1. Letter from Jill Shannon, St. Croix Valley Community Foundation
2. Stillwater Area Cultural Needs & Use Assessment



January 29, 2009

To: Lake Elmo City Council
Fr: Jill Shannon, St. Croix Valley Community Foundation
Re: Cultural Needs and Use Assessment – Request for Funds

On December 9, 2008 I made a presentation to the Lake Elmo City Council on behalf of a task force of seven cultural organizations in the Greater Stillwater Area regarding a proposed Cultural Needs and Use Assessment. The purpose of this study is to explore the viability of creating or sharing space(s) to meet the respective needs of cultural organizations in the region and satisfy the growing needs of the cultural community. The task force includes a representative from the Lake Elmo Regional Art Center.

The attached fact sheet summarizes this proposal. The study will involve the 22 cultural organizations in this region and local artists. It will also include city officials to understand how any future cultural development fits with each city's Master Plan.

The total project cost is \$56,000. We have begun to approach local municipalities to support 20% of this project (\$11,302) and have calculated the proportional costs of each entity based on population (\$.2254 cents per capita). The City of Oak Park Heights has pledged \$1,071 using this formula. Last December I asked the City Council to consider a contribution of \$1,844 using this same calculation (see attached budget).

The Council decided to table the request in December and asked me to return in a month, allowing them time to consider this proposal.

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**Greater Stillwater Area Cultural Needs & Use Assessment
Project Budget**

Direct Expenses

Personnel

Artspace	\$51,521
Anne Howden Consulting	\$5,000
PROJECT TOTAL	\$56,521

Project Breakdown

Phase I - Org & Community Assessment	\$26,521
Phase II - Artist Market Survey	\$25,000
Decision Facilitation	\$5,000
	\$56,521

Income

	Received	Pledged	Pending	TOTAL
Participating Organizations (inc SCVCF)	\$8,800			\$8,800
Individuals	\$6,000			\$6,000
Pugsley Fund of HRK Foundation	\$5,000			\$5,000
Tozer Foundation	\$5,000			\$5,000
Foundations	\$7,500		\$12,919	\$20,419
Municipal Governments (20% of total)		\$1,071	\$10,231	\$11,302
	\$32,300	\$1,071	\$23,150	\$56,521

Municipal Government - Proportional Contribution - 20% of total cost; \$.2254 cents per capita

Met Council Population and Household Estimate 4/1/2007	% population	Estimated Contribution
Afton	2,937 6%	\$662
Bayport	3,273 7%	\$738
Baytown Township	1,774 4%	\$400
Lake Elmo	8,182 16%	\$1,844 <i>request pending</i>
Lake St. Croix Beach	1,177 2%	\$265
Lakeland	1,905 4%	\$429
Lakeland Shores	363 1%	\$82
Marine on St. Croix	703 1%	\$158
Oakpark Heights	4,751 9%	\$1,071 <i>pledged</i>
St. Mary's Point	405 1%	\$91
Stillwater	18,112 36%	\$4,082 <i>request pending</i>
Stillwater Township	2,625 5%	\$592
West Lakeland	3,934 8%	\$887
	50,141 100%	\$11,302

Greater Stillwater Area Cultural Needs & Use Assessment

A group of nonprofit cultural organizations in the Greater Stillwater area have recently joined to explore the viability of creating or sharing space(s) to meet their respective needs and to satisfy the growing needs of the cultural community. The proposed Cultural Needs & Use Assessment is the first step in this venture.

Rationale: The communities in the lower St. Croix Valley are known for their special charm, their rich cultural organizations and as a home for a bounty of recognized artists. But more than just providing entertainment, the St. Croix Valley's cultural offerings contribute to a unique sense of place that attracts new residents, draws new businesses and provides a destination for thousands of visitors from the Twin Cities metropolitan area, Wisconsin and beyond. Recent research shows what active community leaders have known for years – this artistic heritage spurs local economic development. Audience patrons in the St. Croix Valley spend at a comparable rate per capita to the audience patrons in Minneapolis and St. Paul and in so doing they provide business to local restaurants, merchants and municipalities.

Yet, in the midst of this rich cultural landscape, arts organizations in the Greater Stillwater area are fragmented, often hidden or "homeless" and the absence of a cultural or performing arts center is well known. Meanwhile for-profit creative businesses recognize how the region's historic character has special appeal for their customers and creates opportunity for other creative ventures. While visions of new gallery, performing art space and cultural districts abound, what isn't known is the extent these new visions can build on the capacities and future needs of our existing cultural organizations. Is there synergy in a coordinated, collective approach?

Over the next 25 years, the St. Croix Valley's population is projected to grow 65 percent, more than double the rate of growth of the entire Twin Cities metro area. By giving proper attention to the role of the arts in this development, we will retain and build on the unique character that attracts new businesses and sparks revenues for our region's overall prosperity.

Who Will Conduct the Study? Based in Minneapolis, Artspace is the nation's leading nonprofit real estate developer for the arts.

What the Needs & Use Assessment Will Provide: Believing that programming need and organizational capacity are the basis of future planning, this study will engage cultural organizations in the Stillwater-Lake Elmo region and will provide recommendations for specific multi-use concept(s) for arts space(s) based on the:

- a) growing programming and space needs of cultural organizations in the area;
- b) efficiencies in a new and/or existing shared use facility(ies);
- c) financial capacity of existing organizations to capitalize and operate new space or programming to address these needs;
- d) role of arts in local municipal planning.

Overall the recommendations will focus on need, scope, timing, and costs. The study will help the group: a) strategize on collaborative programming and efficiencies in site development; b) move forward on one site-specific project or projects at multiple sites; or c) craft a mix of these options. If deemed necessary, a second phase of this study will determine the interests of artists in renting studio/workspace.

Outcome: A range of concepts could come out of this project: performing art space; artist live-work space, gallery space, classrooms; space for for-profit creative businesses. The goal of the project is to establish what may be *feasible* given future programming and financial capacity to capitalize and operate space for new cultural programs. Specific information will include financial models (capital and operating) for ownership and operation of shared facilities.

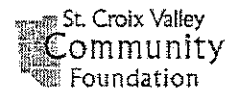
Core Group

Art Reach Alliance
Lake Elmo Regional
Art Center
The Phipps Center
for the Arts
Stillwater Area Public
Schools Community
Education
Trinity Lutheran Church
Theatre Associates of
Stillwater – Performing
Arts Steering Committee
Valley Chamber Chorale

Other Cultural Organizations in the Greater Stillwater Area

Arcola Mills
Art in General
Art St. Croix
Bridge Theatre
Duck Soup Players
Music St. Croix
St. Croix Ballet Academy
St. Croix Concert Series
St. Croix Valley Chapter
of the Barbershop
Harmony Society
Stillwater Music Festival
Valle de Croix Chorus
Valley Dance & Arts
Academy
Washington County
Historic Courthouse
Washington County
Historical Society
White Pine Festival

Convened by



All contributions are
tax deductible.
For more information,
please contact
Jill Shannon
Director of Community
Partnerships

715-386-9490
jshannon@scvof.org

515 Second St, Ste 214
Hudson, WI 54016

City Council
Date: 2-3-09
REGULAR
Item: 6
Motion:

ITEM: Appoint commissioners to existing vacancies on the planning and parks commission

SUBMITTED BY: Sharon Lumby, City Clerk

SUMMARY AND ACTION REQUESTED: The City Council is being asked to make appointments to the Planning Commission and to the Parks Commission.

Planning Commission:

- Current commissioners Mark Deziel (term expired 12/31/08) and Jennifer Pelletier (term expires 1/31/09) have not reapplied for another term. Commissioner Ben Roth (term expires 12/31/11) has resigned resulting in the vacancy of 3 Full Voting Member positions.
- Commissioner Bob Helwig has applied for a 1 year term (new term expires 12/31/09) and Julie Fliflet has applied for a 3-year term (new term expires 12/31/11) as Full Voting Members.
- The following have applied and been interviewed:
Joan Ziertman
Larry Green
Todd Williams
Steve Britz
Tom Bidon
Saleh Van Erem

Past practice has been to automatically move the First Alternate, which would be Commissioner Ptacek, and move the Second Alternate, which would be Commissioner Pearson to full voting members for 3-year terms starting February, 2009 (and ending 12-31-11).

- If Commissioners Helwig and Fliflet were reappointed and Commissioners Ptacek and Pearson appointed to terms as full voting members, there would be a **TOTAL of 3 vacancies: 1-Full voting member for a 3-year term and a First Alternate and Second Alternate.**

Parks Commission

- Current commissioner Linda Wagner has resigned as First Alternate.
- Current commissioner Rolf Larson (term expired 12/31/08) has applied for a 3-year term as a Full Voting member.
- If Commissioner Larson is reappointed, there will be a **TOTAL of 2 vacancies: First Alternate and Second Alternate.** There are no applications on file.

RECOMMENDATION:

Consider appointments to the Planning and Parks Commission

ATTACHMENTS:

1. Park Commissioners Rolf Larson and Linda Wagner emails

Sharon Lumby

From: Carol Kriegler
Sent: Tuesday, January 20, 2009 10:30 AM
To: Sharon Lumby
Subject: FW: Re-application

Sharon,
Please pass this on to the city council per Rolf's request.
ck

-----Original Message-----

From: ROLF L LARSON [mailto:halver@mac.com]
Sent: Monday, January 19, 2009 9:36 PM
To: Carol Kriegler
Subject: Re-application

Carol:

Would you be so kind to pass this message on to the City Council:

In the three years I have been associated with the the Lake Elmo Parks Commission, a lot of exciting work has been accomplished (Trail and Park plans) and the city has taken the giant step of placing Sunfish Lake Park into a land trust. In the next three years, we need to work hard to implement these plans. There is a lot to be done, participating in decisions that will prepare Lake Elmo for a very different future that meets both the needs of the future, yet honors the city's past. We have a good balanced group on the Commission. I would enjoy being a part of those ongoing efforts.

I would be honored to serve a second term.

Let me know if you need anything further from me.

Rolf Larson
(651) 777-9184

Sharon Lumby

From: Carol Kriegler
Sent: Tuesday, January 06, 2009 4:04 PM
To: Sharon Lumby; 'susan.dunn@carestreamhealth.com'
Subject: Linda Wagner resignation from the Parks Commission

Hi All,
Happy New Year. Hope you all had a good holiday season.

I wanted to let you know that I received an email from Linda indicating that she has made the decision to resign from the Parks Commission. She indicated that she gave it considerable thought. She also expressed that in the many years she served, much has been accomplished, and still more lays ahead. There are wonderful people on this commission, who really have the City of Lake Elmo and their parks best interest in mind, and are mindful of the future. As much as she said she'll miss it, she feels it is time to let someone else take her place, not to say she won't still be involved in other things!

Linda asked that I pass this message on to all of you. I've responded with a "thanks" for her service and my hope that we cross paths again.

Thanks.
Carol

City Council
Date: 2/3/09
Regular
Resolution No. 2009-05
Item: 7.

ITEM: Final action related to a wireless telecommunications tower permit for 9057 Lake Jane Trail North

REQUESTED BY: FMHC Corporation, Applicant
Dan and Jean Olinger, property owners, 9057 Lake Jane Trail North

SUBMITTED BY: Kyle Klatt, Planning Director *KK*

REVIEWED BY: Craig Dawson, Interim City Administrator
Jerry Filla, City Attorney

SUMMARY AND ACTION REQUESTED: The City Council is being asked to take final action on the proposed wireless communications tower permit submitted by FMHC Corporation on behalf of T-Mobile Corporation and the property owners Dan and Jean Olinger to install a new communications tower at 9057 Lake Jane Road North. The City Council has previously reviewed draft resolutions of approval and denial for this application, and prior to making a final decision, requested a review of the findings of fact by a technical consultant with expertise in the area of siting and design of wireless communications facilities.

Based on the Council authorization granted on January 28, 2009, the City engaged the services of the Center for Municipal Solutions to perform a review of the application and the City's draft findings. It is expected that the consultant's report will be completed sometime prior to the Council meeting on February 3, 2009, at which time a resolution of approval or denial could be adopted by the City Council. Since the consultant's review will not be received prior to the distribution of the Council meeting packet, the report and draft resolutions will be made available to the Council and members of the public at the meeting.

ADDITIONAL INFORMATION: FMHC Corporation has submitted the attached letter to further clarify T-Mobile's position concerning its willingness to revise the final design and height of the tower in response to Citizen and Council concerns.

RECOMMENDATION

Staff recommends that the City Council review the report submitted by the technical consultant and adopt a final resolution of approval or denial based on findings of fact to support this decision.

ORDER OF BUSINESS:

Introduction and Report	Craig Dawson, Interim City Administrator
Questions to presenters	Mayor and Councilmembers
Statement from applicant	FMHC Communications/T-Mobile representative

Questions to presenters	Mayor and Councilmembers
Questions/comments to all presenters from the public	Mayor facilitates
Discussion	Mayor and Councilmembers
Decision	City Council

ATTACHMENTS:

1. Letter from FMHC Corporation dated 1/28/09

TO BE DISTRIBUTED:

1. Report from Center for Municipal Solutions
2. Draft Resolution(s)



FMHC Corporation
2601 Metro Drive
Suite 225
Bloomington, MN 55425

www.fmhc.com
phone 952 831 1043
fax 952 831 0623

January 28, 2009

Kyle Klatt, Planning Director
City of Lake Elmo
3800 Laverne Avenue North
Lake Elmo, MN 55042

Mr. Klatt,

As you are well aware, T-Mobile has been working with the City of Lake Elmo to locate a telecommunications light pole on the Dan and Jean Olinger Property, located at 9057 Lake Jane Trail North in Lake Elmo. T-Mobile has agreed to two sixty day extensions of the initial sixty day review period established by state statute. City staff has worked with T-Mobile to try and come to a mutually agreeable tower design and location.

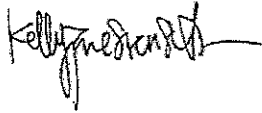
At the three City Council workshops, a neighborhood workshop and other regularly scheduled City Council meetings, T-Mobile has listened to the concerns of the Lake Elmo Council and its residents and has offered alternative tower design options for consideration. Lake Elmo recently amended its antenna permit ordinance so that the City Council can waive the collocation standards. Therefore, T-Mobile wishes to formally request that the city consider conditions to be placed on their application which would be congruent with the revisions adopted on December 9, 2008 as Ordinance No. 08-011. Ordinance No. 08-011 provides *"that [the collocation] standard may be waived or otherwise modified by the City Council as necessary to allow the applicant to construct a wireless telecommunication tower that better blends into the surrounding environment."*

If the City Council determines that a lower tower better blends into the surrounding environment and waives the requirement that T-Mobile make the tower available for collocation of two additional carriers, then T-Mobile is willing to agree to conditions placed on their application that would include a change in the height of one hundred twenty-five (125) feet to a minimum lower height of one hundred ten (110) feet and make the tower available for collocation of one additional carrier. Secondly, to better blend the monopole into the surrounding environment, T-Mobile would agree to conditions placed on their application which would change the antenna array mount to mounting the antennas "internally", otherwise known as a canister-style mount. In addition, rather than a Cor-Ten type finish (cinnamon brown/rust color), T-Mobile would agree to conditions placed on their application which would change the monopole treatment to galvanized steel and/or paint it any color that the City Council determines would best blend in with the surrounding environment.

These revisions to the original proposed tower permit application demonstrate T-Mobile's good faith effort to work with Lake Elmo in designing a tower that minimizes the visual impact to the surrounding properties. T-Mobile agreed to the second sixty day extension to work with Lake Elmo in considering alternative tower designs and locations. Therefore T-Mobile would agree to compromise their design in the above manner to

accommodate Lake Elmo's concerns of visual impact. This agreement to design changes should not be considered an amendment of the existing application or a new application, but instead an answer to the revised ordinance and the concerns voiced by Lake Elmo City Council and residents.

Thank you for your time and understanding,

A handwritten signature in black ink, appearing to read "Kelly Jane Swenseth", with a long horizontal flourish extending to the right.

Kelly Jane Swenseth

FMHC Corporation

2901 Metro Drive

Suite 225

Bloomington, MN 55425

Office: 952.831.1043

Fax: 952.831.0623

Cell: 218-791-0382

kswenseth@fmhc.com

City Council
Date: 2/3/09
Staff Updates
Item: 8

ITEM: Update concerning the hiring of consultant to assist with the wireless communications tower ordinance amendment project

SUBMITTED BY: Kyle Klatt, Planning Director

REVIEWED BY: Craig Dawson, Interim City Administrator

SUMMARY AND ACTION REQUESTED:

The City Council has previously asked to receive an update at its February 3rd meeting concerning the selection of a consultant to assist the City of Lake Elmo with the drafting of a revised wireless telecommunications tower ordinance. To date, staff has begun compiling a list of potential consultants that might be suitable to provide such assistance based on some preliminary research into potential firms and individuals that specialize in electrical engineering/wireless communication issues. This list includes the following organizations:

- The Center for Municipal Solutions, Glenmount, NY
- Kreines & Kreines, Inc., Tiburon, CA
- Owl Engineering & EMC Test Labs, Inc., Shoreview, MN
- Smith and Fisher, Lake Ridge, VA
- Twin Cities Industrial Control, Plymouth, MN
- Steel in the Air, Fort Meyers, FL
- Evans Associates, Thiensville, WI

There has not been sufficient time to more fully investigate each of these firms; however, the City has recently entered into a contract with the first firm on the list to provide assistance reviewing the T-Mobile application. Based on the City's needs, some of these companies would likely be better suited to perform a detailed technical review rather than a broader analysis associated with the ordinance update project. Given the meeting schedule over the next several weeks, it appears reasonable for staff to complete a more throughout review of each of these firms and to develop a scope of services for potential consultants by the next regular Council meeting on February 17th.

The services that will be requested from a consultant include the following major components:

- To identify the submittal requirements and technical details necessary for the City to review a request for a wireless communications facility.
- To develop a thorough set of information that can be used to demonstrate the need for towers in the community, especially with regards to size, location, and number.
- To make sure that the City's regulations are supported by sound technical knowledge.

The League of Minnesota Cities has also been consulted and would be able to provide additional guidance regarding the selection of a consultant and development of a new ordinance.

ADDITIONAL INFORMATION:

In addition to the League of Minnesota Cities, Staff has had discussions with the Cities of Bloomington, Minnetonka, Shoreview, Eagan, Burnsville, and Stillwater regarding their telecommunications ordinances. A selection of model ordinances is also being assembled and is available for review in the Planning office. (some of the ordinances collected include models from the St. Croix Valley Wireless Communication Service Group, Polk and St. Croix Counties, Cities of Afton, Stillwater, Burnsville, Eagan, Minnetonka, Lansing, MI, and other communities and organizations)

RECOMMENDATION:

No action is required at this time.

ATTACHMENTS:

No attachments

ORDER OF BUSINESS:

- Introduction/Report..... Kyle Klatt, Planning Director
- Questions from the CouncilMayor & Council Members